

EXHIBIT "3"

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
CAROLINE LEE, SBN 293297
4 clee@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
5 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
6 San Francisco, California 94105
Telephone: (415) 777-3200
7 Facsimile: (415) 541-9366

8 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
9 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
10 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
11 Sacramento, California 95814
Telephone: (916) 442-3333
12 Facsimile: (916) 442-2348

13 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
14 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
15 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
16 Torrance, California 90505
Telephone: (310) 378-8533
17 Facsimile: (310) 347-4225

18 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
**PLAINTIFF COREY SPENCER
SUPPLEMENTAL RESPONSES TO
INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT
BLAKE BLAKEMAN**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF COREY SPENCER SUPPLEMENTAL RESPONSES TO INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT BLAKE BLAKEMAN

Exhibit 3 - Page 00028

1
2 Plaintiffs,

3 v.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS
14 VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
17 1-10,

18 Defendants.

19 PROPOUNDING PARTY: Defendant BRANT BLAKEMAN

20 RESPONDING PARTY: Plaintiff CORY SPENCER

21 SET NO.: SUPPLEMENTAL (FURTHER)

22 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
23 CORY SPENCER ("Responding Party") hereby submits these objections
24 and responses to Interrogatories, Set One, propounded by Defendant
25 BRANT BLAKEMAN ("Propounding Party").

26 **PRELIMINARY STATEMENT**

27 Nothing in this response should be construed as an admission by
28 Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed its investigation of the facts relating to this case, its discovery or

its preparation for trial. All responses and objections contained herein are based only upon information that is presently available to and specifically known by Responding Party. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the responses set forth herein. The following objections and responses are made without prejudice to Responding Party's right to produce at trial, or otherwise, evidence regarding any subsequently discovered information. Responding Party accordingly reserves the right to modify and amend any and all responses herein as research is completed and contentions are made.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

IDENTIFY ALL PERSONS that have knowledge of any facts that support your contention that BRANT BLAKEMAN participated in any way in the "commission of enumerated 'predicate crimes'" as alleged in paragraph 5 of the Complaint, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]

1 interrogatory need not be answered until designated discovery is complete,
2 or until a pretrial conference or some other time.”).

3 Responding Party further objects to this interrogatory as unduly
4 burdensome, harassing, and duplicative of information disclosed in
5 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
6 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
7 and supplemental disclosures for the information sought by this
8 interrogatory. Moreover, Responding Party had the opportunity to depose
9 Mr. Spencer on this topic.

10 Responding Party further objects to this interrogatory as compound.
11 This “interrogatory” contains multiple impermissible subparts, which
12 Propounding Party has propounded to circumvent the numerical limitations
13 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

14 Responding Party further objects to this interrogatory on the grounds
15 that it seeks information that is outside of Responding Party’s knowledge.

16 Responding Party further objects to the extent that this interrogatory
17 invades attorney-client privilege and/or violates the work product doctrine by
18 compelling Responding Party to disclose privileged communications and/or
19 litigation strategy.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 In addition to each defendant named in his individual capacity and
23 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,
24 and the evidence submitted in support of Plaintiffs motion for class
25 certification, Responding Party identifies the following individuals:

26 Cory Spencer: Spencer believes that Blakeman engaged in a
27 concerted effort with other Bay Boys to obstruct his free passage and use in
28 the customary manner of a public space. Spencer also believes that

1 Blakeman coordinated with other Bay Boys to assault him while he was
2 surfing. Spencer believes that the conduct directed at him and others trying
3 to surf Lunada Bay is part of an agreement among Blakeman and the other
4 Bay Boys, which at a minimum, may be implied by the conduct of the parties
5 and other members of the Bay Boys. Spencer believes that the Bay Boys
6 concerted efforts to stop the public from accessing the beach are
7 documented in text messages and emails some of which have been
8 destroyed or are being withheld by the Defendants in this case. For
9 example, on February 5, 2016, plaintiffs are informed and believe that
10 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
11 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
12 several others that said "There are 5 kooks standing on the bluff taking
13 pictures...I think that same Taloa guy. Things could get ugly." A Los
14 Angeles Times photographer captured a pictured of Defendant Blakeman of
15 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
16 and/or video tape people as a form of harassment and intimidation. For
17 example, plaintiffs are also informed and believe that a Lunada Bay local
18 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.
19 Plaintiffs are also informed and believe that Berstein told several people
20 after he photographed them "know we know who you are."

21 The specific acts directed against Spencer include but are not limited
22 to the following:

23 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
24 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
25 They were told that they couldn't surf there, and Spencer was called a
26 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
27 you fucking go home, you fucking kook" and asked "how many other good
28 places did you pass to come here?" These are the same types of statements

1 made by Defendant Sang Lee and others that can be observed on the video
2 published by the Guardian.¹ These taunts started while Spencer and Taloa
3 were on the bluffs getting ready to surf. One individual continued to heckle
4 Spencer and Taloa on their way down to the beach and into the water.

5 Blakeman was already in the water and began paddling around
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.
7 There was no legitimate reason for this conduct. Spencer believes that this
8 is a tactic used by the Bay Boys to harass people.² Blakeman impeded
9 Spencer's movement in any direction and was intentionally blocking him
10 from catching any waves. It was clear to Spencer that Blakeman was not
11 there to surf that morning. Instead, his mission was to prevent Spencer and
12 Taloa from surfing and to keep them from enjoying their time in the water,
13 the open space, the waves, and nature. This the type of concerted effort was
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
15 people from surfing at Lunada Bay. In the approximately 90 minutes that
16 Spencer was in the water that day, Blakeman was focused on Spencer and
17 Taloa and continued to shadow their movements, and sit uncomfortably
18 close to them. Spencer had never experienced anything like that before in
19 his life. It was bizarre but also incredibly frightening and disturbing. It
20 appeared to Spencer that Blakeman was coordinating his actions with a
21 group of guys who were standing in the Rock Fort, along with others in the
22 water. They were all talking to each other and it was clear they all knew

23
24 _____
25 ¹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ² Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 each other.

2 At one point while Spencer was in the water and was paddling west
3 out to the ocean, he saw a man surfing, coming in east towards the shore.
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a
6 half-inch scar from where this man ran him over. As soon as the Bay Boy
7 ran him over, he started berating Spencer, saying things like "what are you
8 fucking doing out here? I told you to go home. I should have run you over.
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
10 was pretending that he didn't see Spencer but it was obvious that he did and
11 intentionally ran him over. With over 30 years of surfing experience, Spencer
12 knew that this collision was intentional on his part. Fearful of being further
13 injured at that point, and not wanting to get into an argument with him,
14 Spencer just paddled away. Spencer and Taloa caught one more wave after
15 that and then decided it was getting too dangerous to surf. More men started
16 showing up at the Rock Fort and Spencer and Taloa were growing
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.
18 These incidents are described in the declarations filed with Plaintiffs motion
19 for class certification and the deposition of Spencer.

20 Spencer further identifies the following individuals as having
21 knowledge of concerted efforts by the Bay Boys, including Blakeman:

22 Christopher Taloa.³ As set forth above, Taloa and Spencer went
23 surfing at Lunada Bay and were harassed by Blakeman. Taloa witnessed
24 Blakeman shadowing Spencer's movement in the water. Blakeman was in
25 the water with four or five other Lunada Bay Locals. At one point, Blakeman
26

27 _____
28 ³ Mr. Talo is represented by Hanson Bridgett LLP and Otten Law PC.

1 paddled toward Taloa, at which point Taloa told him that he was too close.
2 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
3 Taloa kept moving in the water, and Blakeman attempted to keep up with
4 him but was not in good enough shape to do so.

5 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
6 by Blakeman and other Lunada Bay locals on multiple occasions. On
7 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
8 Wright and harassed them. Blakeman was there filming the incident.⁴ On or
9 about February 12, 2016, The Los Angeles Times published an article called
10 "Bay Boys surfer gang cannot block access to upscale beach, Coastal
11 Commission says." Jordan Wright and Cory Spencer are quoted in the
12 article. Mr. Wright and a few others had planned to surf Lunada Bay the
13 following morning. Plaintiffs are informed and believe that Defendants
14 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
15 going to Lunada Bay and planned to be there to harass them. On February
16 12, 2016, Defendant Alan Johnston sent the following text messages to an
17 unknown recipient: "No fucking way Taloa is back this year" and "If u really
18 wanna be a bay boy we might meet help tomm." On February 13, 2016,
19 Reed and Wright returned to Lunada Bay. After Reed and Wright had
20 continued down the path, Blakeman and Defendant Alan Johnston rushed
21 into the Rock Fort where Reed was taking photos; the assault appeared to
22 be a coordinated and orchestrated and in retaliation for an article that
23 appeared in the Los Angeles Times. Blakeman was filming Reed and had
24

25
26 ⁴ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 his camera close to her face. Reed asked why he was filming her, and
2 Blakeman responded, "Because I feel like it," and Johnston responded,
3 "Because you're hot." Charlie Ferrara was present during this incident, and
4 observed the entire thing. Although Ferrara apologized later for their
5 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
6 These incidents are described in the declarations filed with Plaintiffs motion
7 for class certification and the deposition of Reed. Plaintiffs are informed and
8 believe that after the incident Defendant Johnston started calling and/or
9 texting other Lunada Bay locals to check for police to plan a getaway. At
10 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
11 see any cops at the top." Plaintiffs are informed and believe that later that
12 day Johnston received a text from his mother asking him "What happened at
13 the bay?" Johnston replied "Nothing happened really just couple of trolls
14 they got nothing."

15 Jen Bell, address unknown (323) 308-9326. The incident described
16 above was witnessed by a woman named Jen Bell who had gone to Lunada
17 Bay that same day to photograph a guy from Malibu. When she attempted
18 sit down on the beach with her pack, a man said: "You are practically sitting
19 in a men's locker-room. You don't make me feel comfortable". Bell
20 continued to sit there for another 10 minutes because she refused to be
21 intimidated but eventually decided to head over to the fort because she saw
22 another woman, Diana Reed, was taking photos. Bell was in the Rock Fort
23 when Blakeman and Johnston arrived. It was obvious from the start that
24 Johnston and Blakeman were there with the intent to harass Reed. Johnston
25 was making rude comments to both her and Reed. Blakeman was putting
26 the GoPro in their faces. Johnston was chugging multiple beers and it was
27 early in the morning. Johnston asked her to help him with his wetsuit. He
28 said "Can you help me with this?" and handed her the leg of his wetsuit.

1 Johnston made moaning sounds when she took it like he was having an
2 orgasm.

3 Jordan Wright.⁵ Wright attempted to surf Lunada Bay in January 2015
4 with Chris Claypool and Kenneth Claypool. He observed Blakeman
5 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
6 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
7 foot-high wave and was up riding for several seconds. Alan Johnston
8 paddled the wrong way on this wave, dropped in on him going the wrong
9 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
10 while going the wrong way violates normal surf etiquette. Johnston then
11 collided with Wright, and their leashes got tangled. After they surfaced from
12 the collision, Johnston then got close to Wright and yelled, "You had to
13 fucking take that wave, didn't you!" The next wave that came through then
14 broke Wright's leash plug and the board was carried into the rocks, which
15 destroyed a new surfboard. Wright had to swim in over rocks to get his
16 board and cut his hands on the rocks doing so. Wright is confident that
17 Johnston attempted to purposefully injure him. What he did was extremely
18 dangerous.

19 Wright has observed Blakeman on many occasions. Blakeman is easy
20 to identify because he rides a kneeboard and he is regularly filming visitors
21 on land with a camcorder. Wright believes his filming is an effort to intimidate
22 visitors. In the water, Wright has observed what appears to be Blakeman
23 directing other Bay Boys to sit close to visiting surfers. Wright has observed
24 Bay Boys who seem to be assigned to visiting surfers—they'll sit
25 too close to the visitors, impede their movements, block their surfing, kick at
26 _____

27 ⁵ Mr. Wright, Chris Claypool and Ken Claypool are all represented by
28 Hanson Bridgett LLP and Otten Law PC.

1 them, splash water at them, and dangerously drop in on them. In addition to
2 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
3 Charlie Ferrara, and David Mello engage in this activity. These incidents are
4 described in the declarations filed with Plaintiffs motion for class certification.

5 Ken Claypool has been harassed and filmed by Blakeman in an
6 attempt to intimidate him at Lunada Bay on multiple occasions. In January
7 2015, Claypool and his brother Chris Claypool along with Jordan Wright
8 went to surf Lunada Bay. There were about five Lunada Bay locals in the
9 water, including Blakeman who paddled over and threatened them. Claypool
10 observed Blakeman intentionally dropped in on Wright at least twice.

11 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
12 and Jordan Wright. There was a photographer from the Los Angeles Times
13 that was there. Also in attendance was Cory Spencer and Diana Reed.
14 Spencer was there to watch the cars. Blakeman was there filming in an
15 effort to intimidate visitors. Blakeman can be seen in one of the pictures
16 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
17 are informed and believe that there was a text message sent that day to
18 Papayans, Michael Theil and 11 other people stating that there were 5
19 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
20 informed that the text states: "Things could get ugly. We all need to surf."
21 These incidents are described in the declarations filed with Plaintiffs motion
22 for class certification.

23 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
24 Lunada Bay in January 2015. There were about five locals in the water,
25 including Blakeman who paddled over and was yelling "Try and catch a
26 wave and see what happens. There is no fucking way you are getting a
27 wave. Just go in. Just go. You better not cut me off." Blakeman looked
28 possessed or possibly on drugs. His behavior got more bizarre throughout

1 the morning. He seemed to be paddling for every wave that he could
2 physically push himself into, perhaps to make a point, but he was wiping out
3 a lot and falling down the face and tumbling across the rock reef. Blakeman
4 looked dangerous to himself. When Blakeman would actually catch a wave
5 in, he would paddle back to where Claypool and his brother were sitting, and
6 continue his insane rant. On one occasion, Blakeman came less than 12
7 inches from Claypool's ear and was screaming. It was so loud, Claypool had
8 to put his fingers in his ear to protect them from being damaged. Claypool is
9 a sound engineer and to put this in perspective, a rock concert creates about
10 120 decibels of noise - this was louder; a jet engine creates about 150
11 decibels. At one point Blakeman caught a wave and drew a line aiming right
12 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
13 as he narrowly missed Claypool's head. Claypool watched as Blakeman
14 intentionally dropped in on Jordan at least twice. It seemed obvious to
15 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
16 them were having fun. Because of the danger, they decided to leave.

17 When Claypool and his brother got out of water, they saw people
18 gathering on top of the cliff. One person was videotaping them from the top
19 of the cliff; it was clear to Claypool that he was doing this to try and
20 intimidate them. The people were watching them from the cliff. It was
21 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
22 obstruct his free passage and use in the customary manner of a public
23 space. It also seemed clear that Blakeman engaged in a concerted effort
24 with other Bay Boys to try and injure him. These incidents are described in
25 the declarations filed with Plaintiffs motion for class certification.

26
27
28

1 Jason Gersch.⁶ While observing the surf, Gersch was approached by
2 two local Bay Boys named Peter McCollum and Brant Blakeman. These
3 individuals made it known to Gersch that he could not surf there. These
4 incidents are described in the declarations filed with Plaintiffs motion for
5 class certification.

6 Plaintiffs are informed and believe and on that basis allege that
7 Defendant Blakeman and his attorneys are attempting to intimidate
8 witnesses in this case. On at least two occasions, an investigator hired by
9 Blakeman's attorneys contacted witnesses they knew were represented by
10 Plaintiffs' attorneys. The investigator also showed up at the home of a
11 reporter that has not been listed as a witness.

12 The request is premature. Because Blakeman and the other
13 defendants are refusing to comply with their obligations to produce
14 documents under the federal rules and are impermissibly withholding
15 evidence and/or possibly spoliating evidence, we are not able to fully
16 respond to discovery requests which necessarily rely on our ability to fully
17 investigate the facts. As discovery is continuing, Spencer reserves the right
18 to update this response.

19 **INTERROGATORY NO. 2:**

20 IDENTIFY ALL PERSONS that have knowledge of any facts that
21 support your contention in paragraph 7 of the Complaint that BRANT
22 BLAKEMAN "is responsible in some manner for the Bane Act violations and
23 public nuisance described in the Complaint" and for each such PERSON
24 identified state all facts you contend are within that PERSON's knowledge.

25

26

27

28 ⁶ Mr. Gersch is represented by Hanson Bridgett LLP and Otten Law PC.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party’s knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by compelling Responding Party to disclose privileged communications and/or litigation strategy.

1 Subject to and without waiver of the foregoing objections, Responding
2 Party responds as follows:

3 In addition to each defendant named in his individual capacity and
4 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
5 and the evidence submitted in support of Plaintiffs motion for class
6 certification, Responding Party identifies the following individuals:

7 Cory Spencer: Spencer believes that Blakeman engaged in a
8 concerted effort with other Bay Boys to obstruct his free passage and use in
9 the customary manner of a public space. Spencer also believes that
10 Blakeman coordinated with other Bay Boys to assault him while he was
11 surfing. Spencer believes that the conduct directed at him others trying to
12 surf Lunada Bay is part of an agreement among Blakeman and the other
13 Bay Boys, which at a minimum, may be implied by the conduct of the parties
14 and other members of the Bay Boys. Spencer believes that the Bay Boys
15 concerted efforts to stop the public from accessing the beach are
16 documented in text messages and emails some of which have been
17 destroyed or are being withheld by the Defendants in this case. For
18 example, on February 5, 2016, plaintiffs are informed and believe that
19 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
20 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
21 several others that said "There are 5 kooks standing on the bluff taking
22 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
23 Times photographer captured a pictured of Defendant Blakeman of the bluff
24 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
25 video tape people to harass and intimidate them. For example, Plaintiffs are
26 also informed and believe that a Lunada Bay local named Joshua Berstein
27 was taking pictures at the MLK 2014 paddle out. Plaintiffs are also informed
28 and believe that Berstein told several people after he photographed them

1 “know we know who you are.” Plaintiffs are informed and believe that the
2 Bay Boys use cameras to harass and intimidate people. These incidents are
3 described in the declarations filed with Plaintiffs motion for class certification
4 and the deposition of Taloa.

5 The specific acts directed against Spencer include but are not limited
6 to the following:

7 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
8 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
9 They were told that they couldn't surf there, and Spencer was called a
10 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
11 you fucking go home, you fucking kook" and asked "how many other good
12 places did you pass to come here?" These are the same types of statements
13 made by Defendant Sang Lee and others that can be observed on the video
14 published by the Guardian.⁷ These taunts started while Spencer and Taloa
15 were on the bluffs getting ready to surf. One individual continued to heckle
16 Spencer and Taloa on their way down to the beach and into the water.

17 Blakeman was already in the water and began paddling around
18 Spencer and Taloa in a tight circle – staying just a few feet away from them.
19 There was no legitimate reason for this conduct.⁸ Spencer believes that this
20 is a tactic used by the Bay Boys to harass people. Blakeman impeded
21 Spencer's movement in any direction and was intentionally blocking him
22 from catching any waves. It was clear to Spencer that Blakeman was not
23

24 _____
25 ⁷ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: “We just had a kook out in the water
28 and me and Jack just sat on his ass.”

1 there to surf that morning. Instead, his mission was to prevent Spencer and
2 Taloa from surfing and to keep them from enjoying their time in the water,
3 the open space, the waves, and nature. This the type of concerted effort was
4 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
5 people from surfing at Lunada Bay. In the approximately 90 minutes that
6 Spencer was in the water that day, Blakeman was focused on Spencer and
7 Taloa and continued to shadow their movements, and sit uncomfortably
8 close to them. Spencer had never experienced anything like that before in
9 his life. It was bizarre but also incredibly frightening and disturbing. It
10 appeared to Spencer that Blakeman was coordinating his actions with a
11 group of guys who were standing in the Rock Fort, along with others in the
12 water. They were all talking to each other and it was clear they all knew
13 each other.

14 At one point while Spencer was in the water and was paddling west
15 out to the ocean, he saw a man surfing, coming in east towards the shore.
16 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
17 of the fins on his surfboard sliced open his right wrist. Spencer has about a
18 half-inch scar from where this man ran him over. As soon as the Bay Boy
19 ran him over, he started berating Spencer, saying things like "what are you
20 fucking doing out here? I told you to go home. I should have run you over.
21 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
22 was pretending that he didn't see Spencer but it was obvious that he did and
23 intentionally ran him over. With over 30 years of surfing experience, Spencer
24 knew that this collision was intentional on his part. Fearful of being further
25 injured at that point, and not wanting to get into an argument with him,
26 Spencer just paddled away. Spencer and Taloa caught one more wave after
27 that and then decided it was getting too dangerous to surf. More men started
28 showing up at the Rock Fort and Spencer and Taloa were growing

1 increasingly fearful for their safety. Spencer was also bleeding and in pain.
2 These incidents are described in the declarations filed with Plaintiffs motion
3 for class certification and the deposition of Spencer.

4 Spencer further identifies the following individuals as having
5 knowledge of concerted efforts by the Bay Boys, including Blakeman:

6 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
7 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
8 shadowing Spencer's movement in the water. Blakeman was in the water
9 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
10 toward Taloa, at which point Taloa told him that he was too close.

11 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
12 Taloa kept moving in the water, and Blakeman attempted to keep up with
13 him but was not in good enough shape to do so.

14 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
15 by Blakeman and other Lunada Bay locals on multiple occasions. On
16 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
17 Wright and harassed them. Blakeman was there filming the incident.⁹ On or
18 about February 12, 2016, The Los Angeles Times published an article called
19 "Bay Boys surfer gang cannot block access to upscale beach, Coastal
20 Commission says." Jordan Wright and Cory Spencer are quoted in the
21 article. Mr. Wright and a few others had planned to surf Lunada Bay the
22 following morning. Plaintiffs are informed and believe that Defendants
23 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
24

25 _____
26 ⁹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 going to Lunada Bay and planned to be there to harass them. On February
2 12, 2016, Defendant Alan Johnston sent the following text messages to an
3 unknown recipient: "No fucking way Taloa is back this year" and "If u really
4 wanna be a bay boy we might meet help tomm." On February 13, 2016,
5 Reed and Wright returned to Lunada Bay. After Reed and Wright had
6 continued down the path, Blakeman and Defendant Alan Johnston rushed
7 into the Rock Fort where Reed was taking photos; the assault appeared to
8 be a coordinated and orchestrated and in retaliation for an article that
9 appeared in the Los Angeles Times. Blakeman was filming Reed and had
10 his camera close to her face. Reed asked why he was filming her, and
11 Blakeman responded, "Because I feel like it," and Johnston responded,
12 "Because you're hot." Charlie Ferrara was present during this incident, and
13 observed the entire thing. Although Ferrara apologized later for their
14 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
15 These incidents are described in the declarations filed with Plaintiffs motion
16 for class certification and the deposition of Reed. Plaintiffs are informed and
17 believe that after the incident Defendant Johnston started calling and/or
18 texting other Lunada Bay locals to check for police to plan a getaway. At
19 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
20 see any cops at the top." Plaintiffs are informed and believe that later that
21 day Johnston received a text from his mother asking him "What happened at
22 the bay?" Johnston replied "Nothing happened really just couple of trolls
23 they got nothing."

24 Jen Bell. The incident described above was witnessed by a woman
25 named Jen Bell who had gone to Lunada Bay that same day to photograph
26 a guy from Malibu. When she attempted sit down on the beach with her
27 pack, a man said: "You are practically sitting in a men's locker-room. You
28 don't make me feel comfortable". Bell continued to sit there for another 10

1 mins because she refused to be intimidated but decided to head over to the
2 fort because she saw another woman, Diana Reed, was taking photos. Bell
3 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
4 from the start that Johnston and Blakeman were there with the intent to
5 harass Reed. Johnston was making rude comments to both her and Reed.
6 Blakeman was putting the GoPro in their faces. Johnston was chugging
7 multiple beers and it was early in the morning. Johnston asked her to help
8 him with his wetsuit. He said "Can you help me with this?" and handed her
9 the leg of his wetsuit. Johnston made moaning sounds when she took it like
10 he was having an orgasm.

11 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
12 with Chris Claypool and Kenneth Claypool. He observed Blakeman
13 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
14 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
15 foot-high wave and was up riding for several seconds. Alan Johnston
16 paddled the wrong way on this wave, dropped in on him going the wrong
17 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
18 while going the wrong way violates normal surf etiquette. Johnston then
19 collided with Wright, and their leashes got tangled. After they surfaced from
20 the collision, Johnston then got close to Wright and yelled, "You had to
21 fucking take that wave, didn't you!" The next wave that came through then
22 broke Wrights leash plug and the board was carried into the rocks, which
23 destroyed a new surfboard. Wright had to swim in over rocks to get his
24 board and cut his hands on the rocks doing so. Wright is confident that
25 Johnston was attempted to purposefully injure him. What he did was
26 extremely dangerous.

27 Wright has observed Blakeman on many occasions. Blakeman is easy
28 to identify because he rides a kneeboard and he is regularly filming visitors

1 on land with a camcorder. Wright believes his filming is an effort to intimidate
2 visitors. In the water, Wright has observed what appears to be Blakeman
3 directing other Bay Boys to sit close to visiting surfers. Wright has observed
4 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
5 the visitors, impede their movements, block their surfing, kick at them,
6 splash water at them, and dangerously drop in on them. In addition to
7 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
8 Charlie Ferrara, and David Mello engage in this activity. These incidents are
9 described in the declarations filed with Plaintiffs motion for class certification.

10 Ken Claypool has been harassed and filmed by Blakeman in an
11 attempt to intimidate him at Lunada Bay on multiple occasions. In January
12 2015, Claypool and his brother Chris Claypool along with Jordan Wright
13 went to surf Lunada Bay. There were about five Lunada Bay locals in the
14 water, including Blakeman who paddled over and threatened them. Claypool
15 observed Blakeman intentionally dropped in on Wright at least twice.

16 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
17 and Jordan Wright. There was a photographer from the Los Angeles Times
18 that was there. Also in attendance was Cory Spencer and Diana Reed.
19 Spencer was there to watch the cars. Blakeman was there filming in an
20 effort to intimidate visitors. Blakeman can be seen in one of the pictures
21 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
22 are informed and believe that there was a text message sent that day to
23 Papayans, Michael Theil and 11 other people stating that there were 5
24 kooks standing on the bluff taking pictures, including Taloa. The text states:
25 "Things could get ugly. We all need to surf." These incidents are described
26 in the declarations filed with Plaintiffs motion for class certification.

27 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
28 Lunada Bay in January 2015. There were about five locals in the water,

1 including Blakeman who paddled over and was yelling "Try and catch a
2 wave and see what happens. There is no fucking way you are getting a
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked
4 possessed or possibly on drugs. His behavior got more bizarre throughout
5 the morning. He seemed to be paddling for every wave that he could
6 physically push himself into, perhaps to make a point, but he was wiping out
7 a lot and falling down the face and tumbling across the rock reef. Blakeman
8 looked dangerous to himself. When Blakeman would actually catch a wave
9 in, he would paddle back to where Claypool and his brother were sitting, and
10 continue his insane rant. On one occasion, Blakeman came less than 12
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had
12 to put his fingers in his ear to protect them from being damaged. Claypool is
13 a sound engineer and to put this in perspective, a rock concert creates about
14 120 decibels of noise - this was louder; a jet engine creates about 150
15 decibels. At one point Blakeman caught a wave and drew a line aiming right
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman
18 intentionally dropped in on Jordan at least twice. It seemed obvious to
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
20 them were having fun. Because this was getting dangerous, they decided to
21 leave.

22 When Claypool and his brother got out of water, they saw people
23 gathering on top of the cliff. One person was videotaping them from the top
24 of the cliff; it was clear to Claypool that he was doing this to try and
25 intimidate them. The people were watching them from the cliff. It was
26 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
27 obstruct his free passage and use in the customary manner of a public
28 space. It also seemed clear that Blakeman engaged in a concerted effort

1 with other Bay Boys to try and injure him. These incidents are described in
2 the declarations filed with Plaintiffs motion for class certification.

3 Jason Gersch. While observing the surf, Gersch was approached by
4 two local Bay Boys named Peter McCollum and Brant Blakeman. These
5 individuals made it known to Gersch that he could not surf there. These
6 incidents are described in the declarations filed with Plaintiffs motion for
7 class certification.

8 Plaintiffs are informed and believe and on that basis allege that
9 Defendant Blakeman and his attorneys are attempting to intimidate
10 witnesses in this case. On at least two occasions, an investigator hired by
11 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
12 attorneys. The investigator also showed up at the home of a reporter that
13 has not been listed as a witness.

14 The request is premature. Because Blakeman and the other
15 defendants are refusing to comply with their obligations to produce
16 documents under the federal rules and are impermissibly withholding
17 evidence and/or possibly spoliating evidence, we are not able to fully
18 respond to discovery requests which necessarily rely on our ability to fully
19 investigate the facts. As discovery is continuing, Spencer reserves the right
20 to update this response.

21 **INTERROGATORY NO. 3:**

22 IDENTIFY ALL PERSONS that have knowledge of any facts that
23 support your contention in paragraph 18 of the Complaint that BRANT
24 BLAKEMAN "sell[s] market[s] and use[s] illegal controlled substances from
25 the Lunada Bay Bluffs and the Rock Fort" and for each such PERSON
26 identified state all facts you contend are within the PERSON's knowledge.

27 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

28 Responding Party objects to this interrogatory as premature. Because

1 this interrogatory seeks or necessarily relies upon a contention, and
2 because this matter is in its early stages and pretrial discovery has only just
3 begun, Responding Party is unable to provide a complete response at this
4 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
5 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
6 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
7 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
8 interrogatory need not be answered until designated discovery is complete,
9 or until a pretrial conference or some other time.”).

10 Responding Party further objects to this interrogatory as unduly
11 burdensome, harassing, and duplicative of information disclosed in
12 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
13 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
14 and supplemental disclosures for the information sought by this
15 interrogatory. Moreover, Responding Party had the opportunity to depose
16 Mr. Spencer on this topic.

17 Responding Party further objects to this interrogatory as compound.
18 This “interrogatory” contains multiple impermissible subparts, which
19 Propounding Party has propounded to circumvent the numerical limitations
20 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

21 Responding Party further objects to this interrogatory on the grounds
22 that it seeks information that is outside of Responding Party’s knowledge.

23 Responding Party further objects to the extent that this interrogatory
24 invades attorney-client privilege and/or violates the work product doctrine by
25 compelling Responding Party to disclose privileged communications and/or
26 litigation strategy.

27 Subject to and without waiver of the foregoing objections, Responding
28 Party responds as follows:

1 In addition to each defendant named in his individual capacity and
2 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
3 and the evidence submitted in support of Plaintiffs motion for class
4 certification, Responding Party identifies the following individuals: There is a
5 copy of a Group MMS included in Officer Report for Incident 16-02164. In
6 that report an individual who identifies himself as "the Weasel" makes a
7 statement about Blakeman and meth. The Weasel also states: "Ferrara
8 family is nothing put a bunch of drug addict losers. He's main shaper and
9 good surfer kids are losers and his brothers kids are all losers One of the
10 Ferrara kids [sic] friends beat up a Persian liquor store guy... One time the
11 Ferrara kid talk shit to me one day I said I used to smoke crack with your
12 dad Angelo and dead uncle Sal I have all the dirt from 1979 up. The Weasel
13 then states; "Tell your bros to say even sells weed he lives on 10th Street in
14 San Pedro." Plaintiffs are informed and believe that the word "even" is a typo
15 which is supposed to be Evan and referring to Bay Boy Evan Levy. Plaintiffs
16 are informed and believe and thereon allege that the Weasel might be an
17 individual named Glen Morris. (424) 263-5152.

18 The request is premature. Because Blakeman and the other
19 defendants are refusing to comply with their obligations to produce
20 documents under the federal rules and are impermissibly withholding
21 evidence and/or possibly spoliating evidence, we are not able to fully
22 respond to discovery requests which necessarily rely on our ability to fully
23 investigate the facts. As discovery is continuing, Spencer reserves the right
24 to update this response.

25 **INTERROGATORY NO. 4:**

26 IDENTIFY ALL PERSONS that have knowledge of any facts that
27 support your contention in paragraph 18 of the Complaint that BRANT
28 BLAKEMAN "impede[d] boat traffic" at any time, and for each such PERSON

1 identified state all facts you contend are within that PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.").

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Mr. Spencer on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This "interrogatory" contains multiple impermissible subparts, which
22 Propounding Party has propounded to circumvent the numerical limitations
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24 Responding Party further objects to this interrogatory on the grounds
25 that it seeks information that is outside of Responding Party's knowledge.

26 Responding Party further objects to the extent that this interrogatory
27 invades attorney-client privilege and/or violates the work product doctrine by
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy. Responding Party will not provide any such information.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 In addition to each defendant named in his individual capacity and
5 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
6 and the evidence submitted in support of Plaintiffs motion for class
7 certification, Responding Party identifies the following individuals: Jordan
8 Wright, Ken Claypool.

9 The request is premature. Because Blakeman and the other
10 defendants are refusing to comply with their obligations to produce
11 documents under the federal rules and are impermissibly withholding
12 evidence and/or possibly spoliating evidence, we are not able to fully
13 respond to discovery requests which necessarily rely on our ability to fully
14 investigate the facts. As discovery is continuing, Spencer reserves the right
15 to update this response.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY ALL PERSONS that have knowledge of any facts that
18 support your contention in paragraph 18 of the Complaint that BRANT
19 BLAKEMAN "dangerously disregard[ed] surfing rules" at any time, and for
20 each such PERSON identified state all facts you contend are within that
21 PERSON's knowledge.

22 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

23 Responding Party objects to this interrogatory as premature. Because
24 this interrogatory seeks or necessarily relies upon a contention, and
25 because this matter is in its early stages and pretrial discovery has only just
26 begun, Responding Party is unable to provide a complete response at this
27 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
28 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*

1 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
2 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
3 interrogatory need not be answered until designated discovery is complete,
4 or until a pretrial conference or some other time.”).

5 Responding Party further objects to this interrogatory as unduly
6 burdensome, harassing, and duplicative of information disclosed in
7 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
8 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
9 and supplemental disclosures for the information sought by this
10 interrogatory. Moreover, Responding Party had the opportunity to depose
11 Mr. Spencer on this topic.

12 Responding Party further objects to this interrogatory as compound.
13 This “interrogatory” contains multiple impermissible subparts, which
14 Propounding Party has propounded to circumvent the numerical limitations
15 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

16 Responding Party further objects to this interrogatory on the grounds
17 that it seeks information that is outside of Responding Party’s knowledge.

18 Responding Party further objects to the extent that this interrogatory
19 invades attorney-client privilege and/or violates the work product doctrine by
20 compelling Responding Party to disclose privileged communications and/or
21 litigation strategy.

22 Subject to and without waiver of the foregoing objections, Responding
23 Party responds as follows:

24 In addition to each defendant named in his individual capacity and
25 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,
26 and the evidence submitted in support of Plaintiffs motion for class
27 certification, Responding Party identifies the following individuals:

28 Cory Spencer: Spencer believes that Blakeman engaged in a

1 concerted effort with other Bay Boys to obstruct his free passage and use in
2 the customary manner of a public space. Spencer also believes that
3 Blakeman coordinated with other Bay Boys to assault him while he was
4 surfing. Spencer believes that the conduct directed at him others trying to
5 surf Lunada Bay is part of an agreement among Blakeman and the other
6 Bay Boys, which at a minimum, may be implied by the conduct of the parties
7 and other members of the Bay Boys. Spencer believes that the Bay Boys
8 concerted efforts to stop the public from accessing the beach are
9 documented in text messages and emails some of which have been
10 destroyed or are being withheld by the Defendants in this case. For
11 example, on February 5, 2016, Charles Mowat sent a text message to
12 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,
13 Defendant Michael Papayans and several others that said "There are 5
14 kooks standing on the bluff taking pictures...I think that same Taloa guy.
15 Things could get ugly." A Los Angeles Times photographer captured a
16 pictured of Defendant Blakeman of the bluff filming plaintiffs.

17 The specific acts directed against Spencer include but are not limited
18 to the following:

19 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
20 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
21 They were told that they couldn't surf there, and Spencer was called a
22 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
23 you fucking go home, you fucking kook" and asked "how many other good
24 places did you pass to come here?" These are the same types of statements
25 made by Defendant Sang Lee and others that can be observed on the video
26
27
28

1 published by the Guardian.¹⁰ These taunts started while Spencer and Taloa
2 were on the bluffs getting ready to surf. One individual continued to heckle
3 Spencer and Taloa on their way down to the beach and into the water.

4 Blakeman was already in the water and began paddling around
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.
6 There was no legitimate reason for this conduct.¹¹ Spencer believes that
7 this is a tactic used by the Bay Boys to harass people. Blakeman impeded
8 Spencer's movement in any direction and was intentionally blocking him
9 from catching any waves. It was clear to Spencer that Blakeman was not
10 there to surf that morning. Instead, his mission was to prevent Spencer and
11 Taloa from surfing and to keep them from enjoying their time in the water,
12 the open space, the waves, and nature. This the type of concerted effort was
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
14 people from surfing at Lunada Bay. In the approximately 90 minutes that
15 Spencer was in the water that day, Blakeman was focused on Spencer and
16 Taloa and continued to shadow their movements, and sit uncomfortably
17 close to them. Spencer had never experienced anything like that before in
18 his life. It was bizarre but also incredibly frightening and disturbing. It
19 appeared to Spencer that Blakeman was coordinating his actions with a
20 group of guys who were standing in the Rock Fort, along with others in the
21 water. They were all talking to each other and it was clear they all knew
22 each other.

23
24 _____
25 ¹⁰ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ¹¹ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 At one point while Spencer was in the water and was paddling west
2 out to the ocean, he saw a man surfing, coming in east towards the shore.
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a
5 half-inch scar from where this man ran him over. As soon as the Bay Boy
6 ran him over, he started berating Spencer, saying things like "what are you
7 fucking doing out here? I told you to go home. I should have run you over.
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
9 was pretending that he didn't see Spencer but it was obvious that he did and
10 intentionally ran him over. With over 30 years of surfing experience, Spencer
11 knew that this collision was intentional on his part. Fearful of being further
12 injured at that point, and not wanting to get into an argument with him,
13 Spencer just paddled away. Spencer and Taloa caught one more wave after
14 that and then decided it was getting too dangerous to surf. More men started
15 showing up at the Rock Fort and Spencer and Taloa were growing
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.
17 These incidents are described in the declarations filed with Plaintiffs motion
18 for class certification and the deposition of Spencer.

19 Spencer further identifies the following individuals as having
20 knowledge of concerted efforts by the Bay Boys, including Blakeman:

21 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
23 shadowing Spencer's movement in the water. Blakeman was in the water
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
25 toward Taloa, at which point Taloa told him that he was too close.
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
27 Taloa kept moving in the water, and Blakeman attempted to keep up with
28 him but was not in good enough shape to do so.

1 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
2 with Chris Claypool and Kenneth Claypool. He observed Blakeman
3 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
4 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
5 foot-high wave and was up riding for several seconds. Alan Johnston
6 paddled the wrong way on this wave, dropped in on him going the wrong
7 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
8 while going the wrong way violates normal surf etiquette. Johnston then
9 collided with Wright, and their leashes got tangled. After they surfaced from
10 the collision, Johnston then got close to Wright and yelled, "You had to
11 fucking take that wave, didn't you!" The next wave that came through then
12 broke Wright's leash plug and the board was carried into the rocks, which
13 destroyed a new surfboard. Wright had to swim in over rocks to get his
14 board and cut his hands on the rocks doing so. Wright is confident that
15 Johnston was attempted to purposefully injure him. What he did was
16 extremely dangerous.

17 Wright has observed Blakeman on many occasions. Blakeman is easy
18 to identify because he rides a kneeboard and he is regularly filming visitors
19 on land with a camcorder. Wright believes his filming is an effort to intimidate
20 visitors. In the water, Wright has observed what appears to be Blakeman
21 directing other Bay Boys to sit close to visiting surfers. Wright has observed
22 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
23 the visitors, impede their movements, block their surfing, kick at them,
24 splash water at them, and dangerously drop in on them. In addition to
25 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
26 Charlie Ferrara, and David Mello engage in this activity. These incidents are
27 described in the declarations filed with Plaintiff's motion for class certification.

28 Ken Claypool has been harassed and filmed by Blakeman in an

1 attempt to intimidate him at Lunada Bay on multiple occasions. In January
2 2015, Claypool and his brother Chris Claypool along with Jordan Wright
3 went to surf Lunada Bay. There were about five Lunada Bay locals in the
4 water, including Blakeman who paddled over and threatened them. Claypool
5 observed Blakeman intentionally dropped in on Wright at least twice.

6 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
7 Lunada Bay in January 2015. There were about five locals in the water,
8 including Blakeman who paddled over and was yelling "Try and catch a
9 wave and see what happens. There is no fucking way you are getting a
10 wave. Just go in. Just go. You better not cut me off." Blakeman looked
11 possessed or possibly on drugs. His behavior got more bizarre throughout
12 the morning. He seemed to be paddling for every wave that he could
13 physically push himself into, perhaps to make a point, but he was wiping out
14 a lot and falling down the face and tumbling across the rock reef. Blakeman
15 looked dangerous to himself. When Blakeman would actually catch a wave
16 in, he would paddle back to where Claypool and his brother were sitting, and
17 continue his insane rant. On one occasion, Blakeman came less than 12
18 inches from Claypool's ear and was screaming. It was so loud, Claypool had
19 to put his fingers in his ear to protect them from being damaged. Claypool is
20 a sound engineer and to put this in perspective, a rock concert creates about
21 120 decibels of noise - this was louder; a jet engine creates about 150
22 decibels. At one point Blakeman caught a wave and drew a line aiming right
23 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
24 as he narrowly missed Claypool's head. Claypool watched as Blakeman
25 intentionally dropped in on Jordan at least twice. It seemed obvious to
26 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
27 them were having fun. Because this was getting dangerous, they decided to
28 leave.

1 When Claypool and his brother got out of water, they saw people
2 gathering on top of the cliff. One person was videotaping them from the top
3 of the cliff; it was clear to Claypool that he was doing this to try and
4 intimidate them. The people were watching them from the cliff. It was
5 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
6 obstruct his free passage and use in the customary manner of a public
7 space. It also seemed clear that Blakeman engaged in a concerted effort
8 with other Bay Boys to try and injure him. These incidents are described in
9 the declarations filed with Plaintiffs motion for class certification.

10 Plaintiffs are informed and believe and on that basis allege that
11 Defendant Blakeman and his attorneys are attempting to intimidate
12 witnesses in this case. On at least two occasions, an investigator hired by
13 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
14 attorneys. The investigator also showed up at the home of a reporter that
15 has not been listed as a witness.

16 The request is premature. Because Blakeman and the other
17 defendants are refusing to comply with their obligations to produce
18 documents under the federal rules and are impermissibly withholding
19 evidence and/or possibly spoliating evidence, we are not able to fully
20 respond to discovery requests which necessarily rely on our ability to fully
21 investigate the facts. As discovery is continuing, Spencer reserves the right
22 to update this response.

23 **INTERROGATORY NO. 6:**

24 IDENTIFY ALL PERSONS that have knowledge of any facts that
25 support your contention that BRANT BLAKEMAN has illegally extorted
26 money from beachgoers who wish to use Lunada Bay for recreational
27 purposes (See paragraph 33 j. of the Complaint), and for each such
28 PERSON identified state all facts you contend are within that PERSON's

1 knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.”).

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Mr. Spencer on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This “interrogatory” contains multiple impermissible subparts, which
22 Propounding Party has propounded to circumvent the numerical limitations
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24 Responding Party further objects to this interrogatory on the grounds
25 that it seeks information that is outside of Responding Party’s knowledge.

26 Responding Party further objects to the extent that this interrogatory
27 invades attorney-client privilege and/or violates the work product doctrine by
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy. Responding Party will not provide any such information.

2 The request is premature. Because Blakeman and the other
3 defendants are refusing to comply with their obligations to produce
4 documents under the federal rules and are impermissibly withholding
5 evidence and/or possibly spoliating evidence, we are not able to fully
6 respond to discovery requests which necessarily rely on our ability to fully
7 investigate the facts. As discovery is continuing, Spencer reserves the right
8 to update this response.

9 **INTERROGATORY NO. 7:**

10 IDENTIFY ALL PERSONS that have knowledge of any facts that
11 support your contention that BRANT BLAKEMAN was a part of a Civil
12 Conspiracy as identified in your complaint in paragraphs 51 through 53, and
13 for each such PERSON identified state all facts you contend are within that
14 PERSON's knowledge.

15 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

16 Responding Party objects to this interrogatory as premature. Because
17 this interrogatory seeks or necessarily relies upon a contention, and
18 because this matter is in its early stages and pretrial discovery has only just
19 begun, Responding Party is unable to provide a complete response at this
20 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
21 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
22 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
23 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
24 interrogatory need not be answered until designated discovery is complete,
25 or until a pretrial conference or some other time.").

26 Responding Party further objects to this interrogatory as unduly
27 burdensome, harassing, and duplicative of information disclosed in
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures.

1 Propounding Party may look to Responding Party's Rule 26(a) disclosures
2 and supplemental disclosures for the information sought by this
3 interrogatory. Moreover, Responding Party had the opportunity to depose
4 Mr. Spencer on this topic.

5 Responding Party further objects to this interrogatory as compound.
6 This "interrogatory" contains multiple impermissible subparts, which
7 Propounding Party has propounded to circumvent the numerical limitations
8 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds
10 that it seeks information that is outside of Responding Party's knowledge.

11 Responding Party further objects to the extent that this interrogatory
12 invades attorney-client privilege and/or violates the work product doctrine by
13 compelling Responding Party to disclose privileged communications and/or
14 litigation strategy.

15 Subject to and without waiver of the foregoing objections, Responding
16 Party responds as follows:

17 In addition to each defendant named in his individual capacity and
18 other persons identified in Plaintiffs' initial and supplemental disclosures, and
19 the evidence submitted in support of Plaintiffs motion for class certification,
20 Responding Party identifies the following individuals:

21 Cory Spencer: Spencer believes that Blakeman engaged in a
22 concerted effort with other Bay Boys to obstruct his free passage and use in
23 the customary manner of a public space. Spencer also believes that
24 Blakeman coordinated with other Bay Boys to assault Spencer while he was
25 surfing. Spencer believes that the conduct directed at him others trying to
26 surf Lunada Bay is part of an agreement among Blakeman and the other
27 Bay Boys, which at a minimum, may be implied by the conduct of the parties
28 and other members of the Bay Boys. Spencer believes that the Bay Boys

1 concerted efforts to stop the public from accessing the beach are
2 documented in text messages and emails some of which have been
3 destroyed or are being withheld by the Defendants in this case. For
4 example, on February 5, 2016, Charles Mowat sent a text message to
5 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,
6 Defendant Michael Papayans and several others that said "There are 5
7 kooks standing on the bluff taking pictures...I think that same Taloa guy.
8 Things could get ugly." A Los Angeles Times photographer captured a
9 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
10 believe that the Bay Boys take photos and/or video tape people as a form of
11 harassment and intimidation. For example, plaintiffs are also informed and
12 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
13 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
14 Bernstein told several people after he photographed them "know we know
15 who you are." As another example, there are emails from Sang Lee
16 discussing the Bay Boys concerted efforts to stop the public from accessing
17 the beach.

18 The specific acts directed against Spencer include but are not limited
19 to the following:

20 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
21 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
22 They were told that they couldn't surf there, and Spencer was called a
23 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
24 you fucking go home, you fucking kook" and asked "how many other good
25 places did you pass to come here?" These are the same types of statements
26 made by Defendant Sang Lee and others that can be observed on the video
27
28

1 published by the Guardian.¹² These taunts started while Spencer and Taloa
2 were on the bluffs getting ready to surf. One individual continued to heckle
3 Spencer and Taloa on their way down to the beach and into the water.

4 Blakeman was already in the water and began paddling around
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.
6 There was no legitimate reason for this conduct.¹³ Spencer believes that this
7 is a tactic used by the Bay Boys to harass people. Blakeman impeded
8 Spencer's movement in any direction and was intentionally blocking him
9 from catching any waves. It was clear to Spencer that Blakeman was not
10 there to surf that morning. Instead, his mission was to prevent Spencer and
11 Taloa from surfing and to keep them from enjoying their time in the water,
12 the open space, the waves, and nature. This the type of concerted effort was
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
14 people from surfing at Lunada Bay. In the approximately 90 minutes that
15 Spencer was in the water that day, Blakeman was focused on Spencer and
16 Taloa and continued to shadow their movements, and sit uncomfortably
17 close to them. Spencer had never experienced anything like that before in
18 his life. It was bizarre but also incredibly frightening and disturbing. It
19 appeared to Spencer that Blakeman was coordinating his actions with a
20 group of guys who were standing in the Rock Fort, along with others in the
21 water. They were all talking to each other and it was clear they all knew
22 each other.

23
24 _____
25 ¹² [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ¹³ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 At one point while Spencer was in the water and was paddling west
2 out to the ocean, he saw a man surfing, coming in east towards the shore.
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a
5 half-inch scar from where this man ran him over. As soon as the Bay Boy
6 ran him over, he started berating Spencer, saying things like "what are you
7 fucking doing out here? I told you to go home. I should have run you over.
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
9 was pretending that he didn't see Spencer but it was obvious that he did and
10 intentionally ran him over. With over 30 years of surfing experience, Spencer
11 knew that this collision was intentional on his part. Fearful of being further
12 injured at that point, and not wanting to get into an argument with him,
13 Spencer just paddled away. Spencer and Taloa caught one more wave after
14 that and then decided it was getting too dangerous to surf. More men started
15 showing up at the Rock Fort and Spencer and Taloa were growing
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.
17 These incidents are described in the declarations filed with Plaintiffs motion
18 for class certification and the deposition of Spencer.

19 Spencer further identifies the following individuals as having
20 knowledge of concerted efforts by the Bay Boys, including Blakeman:

21 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
23 shadowing Spencer's movement in the water. Blakeman was in the water
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
25 toward Taloa, at which point Taloa told him that he was too close.
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
27 Taloa kept moving in the water, and Blakeman attempted to keep up with
28 him but was not in good enough shape to do so.

1 Plaintiffs are also informed and believe that a Lunada Bay local named
2 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
3 are also informed and believe that Bernstein told several people after he
4 photographed them “know we know who you are.” Plaintiffs are informed
5 and believe that the Bay Boys use cameras to harass and intimidate people.
6 These incidents are described in the declarations filed with Plaintiffs motion
7 for class certification and the deposition of Taloa.

8 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
9 by Blakeman and other Lunada Bay locals on multiple occasions. On
10 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
11 Wright and harassed them. Blakeman was there filming the incident. On or
12 about February 12, 2016, The Los Angeles Times published an article called
13 “Bay Boys surfer gang cannot block access to upscale beach, Coastal
14 Commission says.” Jordan Wright and Cory Spencer are quoted in the
15 article. Mr. Wright and a few others had planned to surf Lunada Bay the
16 following morning. Plaintiffs are informed and believe that Defendants
17 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
18 going to Lunada Bay and planned to be there to harass them. On February
19 12, 2016, Defendant Alan Johnston sent the following text messages to an
20 unknown recipient: “No fucking way Taloa is back this year” and “If u really
21 wanna be a bay boy we might meet help tomm.” On February 13, 2016,
22 Reed and Wright returned to Lunada Bay. After Reed and Wright had
23 continued down the path, Blakeman and Defendant Alan Johnston rushed
24 into the Rock Fort where Reed was taking photos; the assault appeared to
25 be a coordinated and orchestrated and in retaliation for an article that
26 appeared in the Los Angeles Times. Blakeman was filming Reed and had
27 his camera close to her face. Reed asked why he was filming her, and
28 Blakeman responded, “Because I feel like it,” and Johnston responded,

1 “Because you’re hot.” Charlie Ferrara was present during this incident, and
2 observed the entire thing. Although Ferrara apologized later for their
3 behavior, he appeared to be complicit in Blakeman and Johnston’s actions.
4 These incidents are described in the declarations filed with Plaintiffs motion
5 for class certification and the deposition of Reed. Plaintiffs are informed and
6 believe that after the incident Defendant Johnston started calling and/or
7 texting other Lunada Bay locals to check for police to plan a getaway. At
8 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: “Don’t
9 see any cops at the top.” Plaintiffs are informed and believe that later that
10 day Johnston received a text from his mother asking him “What happened at
11 the bay?” Johnston replied “Nothing happened really just couple of trolls
12 they got nothing.”

13 Jen Bell. The incident described above was witnessed by a woman
14 named Jen Bell who had gone to Lunada Bay that same day to photograph
15 a guy from Malibu. When she attempted sit down on the beach with her
16 pack, a man said: “You are practically sitting in a men’s locker-room. You
17 don’t make me feel comfortable”. Bell continued to sit there for another 10
18 mins because she refused to be intimidated but decided to head over to the
19 fort because she saw another woman, Diana Reed, was taking photos. Bell
20 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
21 from the start that Johnston and Blakeman were there with the intent to
22 harass Reed. Johnston was making rude comments to both her and Reed.
23 Blakeman was putting the GoPro in their faces. Johnston was chugging
24 multiple beers and it was early in the morning. Johnston asked her to help
25 him with his wetsuit. He said “Can you help me with this?” and handed her
26 the leg of his wetsuit. Johnston made moaning sounds when she took it like
27 he was having an orgasm.

28 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015

1 with Chris Claypool and Kenneth Claypool. He observed Blakeman
2 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
3 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
4 foot-high wave and was up riding for several seconds. Alan Johnston
5 paddled the wrong way on this wave, dropped in on him going the wrong
6 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
7 while going the wrong way violates normal surf etiquette. Johnston then
8 collided with Wright, and their leashes got tangled. After they surfaced from
9 the collision, Johnston then got close to Wright and yelled, "You had to
10 fucking take that wave, didn't you!" The next wave that came through then
11 broke Wright's leash plug and the board was carried into the rocks, which
12 destroyed a new surfboard. Wright had to swim in over rocks to get his
13 board and cut his hands on the rocks doing so. Wright is confident that
14 Johnston was attempted to purposefully injure him. What he did was
15 extremely dangerous.

16 Wright has observed Blakeman on many occasions. Blakeman is easy
17 to identify because he rides a kneeboard and he is regularly filming visitors
18 on land with a camcorder. Wright believes his filming is an effort to intimidate
19 visitors. In the water, Wright has observed what appears to be Blakeman
20 directing other Bay Boys to sit close to visiting surfers. Wright has observed
21 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
22 the visitors, impede their movements, block their surfing, kick at them,
23 splash water at them, and dangerously drop in on them. In addition to
24 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
25 Charlie Ferrara, and David Mello engage in this activity. These incidents are
26 described in the declarations filed with Plaintiff's motion for class certification.

27 Ken Claypool has been harassed and filmed by Blakeman in an
28 attempt to intimidate him at Lunada Bay on multiple occasions. In January

1 2015, Claypool and his brother Chris Claypool along with Jordan Wright
2 went to surf Lunada Bay. There were about five Lunada Bay locals in the
3 water, including Blakeman who paddled over and threatened them. Claypool
4 observed Blakeman intentionally dropped in on Wright at least twice.

5 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
6 and Jordan Wright. There was a photographer from the Los Angeles Times
7 that was there. Also in attendance was Cory Spencer and Diana Reed.
8 Spencer was there to watch the cars. Blakeman was there filming in an
9 effort to intimidate visitors. Blakeman can be seen in one of the pictures
10 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
11 are informed and believe that there was a text message sent that day to
12 Papayans, Michael Theil and 11 other people stating that there were 5
13 kooks standing on the bluff taking pictures, including Taloa. The text states:
14 "Things could get ugly. We all need to surf." These incidents are described
15 in the declarations filed with Plaintiffs motion for class certification.

16 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
17 Lunada Bay in January 2015. There were about five locals in the water,
18 including Blakeman who paddled over and was yelling "Try and catch a
19 wave and see what happens. There is no fucking way you are getting a
20 wave. Just go in. Just go. You better not cut me off." Blakeman looked
21 possessed or possibly on drugs. His behavior got more bizarre throughout
22 the morning. He seemed to be paddling for every wave that he could
23 physically push himself into, perhaps to make a point, but he was wiping out
24 a lot and falling down the face and tumbling across the rock reef. Blakeman
25 looked dangerous to himself. When Blakeman would actually catch a wave
26 in, he would paddle back to where Claypool and his brother were sitting, and
27 continue his insane rant. On one occasion, Blakeman came less than 12
28 inches from Claypool's ear and was screaming. It was so loud, Claypool had

1 to put his fingers in his ear to protect them from being damaged. Claypool is
2 a sound engineer and to put this in perspective, a rock concert creates about
3 120 decibels of noise - this was louder; a jet engine creates about 150
4 decibels. At one point Blakeman caught a wave and drew a line aiming right
5 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
6 as he narrowly missed Claypool's head. Claypool watched as Blakeman
7 intentionally dropped in on Jordan at least twice. It seemed obvious to
8 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
9 them were having fun. Because this was getting dangerous, they decided to
10 leave.

11 When Claypool and his brother got out of water, they saw people
12 gathering on top of the cliff. One person was videotaping them from the top
13 of the cliff; it was clear to Claypool that he was doing this to try and
14 intimidate them. The people were watching them from the cliff. It was
15 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
16 obstruct his free passage and use in the customary manner of a public
17 space. It also seemed clear that Blakeman engaged in a concerted effort
18 with other Bay Boys to try and injure him. These incidents are described in
19 the declarations filed with Plaintiffs motion for class certification.

20 Jason Gersch. While observing the surf, Gersch was approached by
21 two local Bay Boys named Peter McCollum and Brant Blakeman. These
22 individuals made it known to Gersch that he could not surf there. These
23 incidents are described in the declarations filed with Plaintiffs motion for
24 class certification.

25 Plaintiffs are informed and believe and on that basis allege that
26 Defendant Blakeman and his attorneys are attempting to intimidate
27 witnesses in this case. On at least two occasions, an investigator hired by
28 Blakeman's attorneys contacted witnesses represented by Plaintiffs'

1 attorneys. The investigator also showed up at the home of a reporter that
2 has not been listed as a witness.

3 The request is premature. Because Blakeman and the other
4 defendants are refusing to comply with their obligations to produce
5 documents under the federal rules and are impermissibly withholding
6 evidence and/or possibly spoliating evidence, we are not able to fully
7 respond to discovery requests which necessarily rely on our ability to fully
8 investigate the facts. As discovery is continuing, Spencer reserves the right
9 to update this response.

10 **INTERROGATORY NO. 8:**

11 IDENTIFY ALL PERSONS that have knowledge of any facts that
12 support plaintiffs' First Cause of Action in the Complaint (Bane Act
13 Violations) against BRANT BLAKEMAN, and for each such PERSON
14 identified state all facts you contend are within that PERSON's knowledge.

15 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

16 Responding Party objects to this interrogatory as premature. Because
17 this interrogatory seeks or necessarily relies upon a contention, and
18 because this matter is in its early stages and pretrial discovery has only just
19 begun, Responding Party is unable to provide a complete response at this
20 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
21 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
22 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
23 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
24 interrogatory need not be answered until designated discovery is complete,
25 or until a pretrial conference or some other time.").

26 Responding Party further objects to this interrogatory as unduly
27 burdensome, harassing, and duplicative of information disclosed in
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures.

1 Propounding Party may look to Responding Party's Rule 26(a) disclosures
2 and supplemental disclosures for the information sought by this
3 interrogatory. Moreover, Responding Party had the opportunity to depose
4 Mr. Spencer on this topic.

5 Responding Party further objects to this interrogatory as compound.
6 This "interrogatory" contains multiple impermissible subparts, which
7 Propounding Party has propounded to circumvent the numerical limitations
8 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds
10 that it seeks information that is outside of Responding Party's knowledge.

11 Responding Party further objects to the extent that this interrogatory
12 invades attorney-client privilege and/or violates the work product doctrine by
13 compelling Responding Party to disclose privileged communications and/or
14 litigation strategy.

15 Subject to and without waiver of the foregoing objections, Responding
16 Party responds as follows:

17 In addition to each defendant named in his individual capacity and
18 other persons identified in Plaintiffs' initial and supplemental disclosures, and
19 the evidence submitted in support of Plaintiffs motion for class certification,
20 Responding Party identifies the following individuals:

21 Cory Spencer: Spencer believes that Blakeman engaged in a
22 concerted effort with other Bay Boys to obstruct his free passage and use in
23 the customary manner of a public space. Spencer also believes that
24 Blakeman coordinated with other Bay Boys to assault Spencer while he was
25 surfing. Spencer believes that the conduct directed at him others trying to
26 surf Lunada Bay is part of an agreement among Blakeman and the other
27 Bay Boys, which at a minimum, may be implied by the conduct of the parties
28 and other members of the Bay Boys. Spencer believes that the Bay Boys

1 concerted efforts to stop the public from accessing the beach are
2 documented in text messages and emails some of which have been
3 destroyed or are being withheld by the Defendants in this case. On February
4 5, 2016, Charles Mowat sent a text message to Defendant Brant Blakeman,
5 Tom Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans
6 and several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los
8 Angeles Times photographer captured a pictured of Defendant Blakeman of
9 the bluff filming plaintiffs. As another example, there are emails from Sang
10 Lee discussing the Bay Boys concerted efforts to stop the public from
11 accessing the beach.

12 The specific acts directed against Spencer include but are not limited
13 to the following:

14 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
15 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
16 They were told that they couldn't surf there, and Spencer was called a
17 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
18 you fucking go home, you fucking kook" and asked "how many other good
19 places did you pass to come here?" These are the same types of statements
20 made by Defendant Sang Lee and others that can be observed on the video
21 published by the Guardian.¹⁴ These taunts started while Spencer and Taloa
22 were on the bluffs getting ready to surf. One individual continued to heckle
23 Spencer and Taloa on their way down to the beach and into the water.

24 Blakeman was already in the water and began paddling around

25

26 ¹⁴ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 Spencer and Taloa in a tight circle – staying just a few feet away from them.
2 There was no legitimate reason for this conduct. Spencer believes that this
3 is a tactic used by the Bay Boys to harass people.¹⁵ Blakeman impeded
4 Spencer's movement in any direction and was intentionally blocking him
5 from catching any waves. It was clear to Spencer that Blakeman was not
6 there to surf that morning. Instead, his mission was to prevent Spencer and
7 Taloa from surfing and to keep them from enjoying their time in the water,
8 the open space, the waves, and nature. This the type of concerted effort was
9 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
10 people from surfing at Lunada Bay. In the approximately 90 minutes that
11 Spencer was in the water that day, Blakeman was focused on Spencer and
12 Taloa and continued to shadow their movements, and sit uncomfortably
13 close to them. Spencer had never experienced anything like that before in
14 his life. It was bizarre but also incredibly frightening and disturbing. It
15 appeared to Spencer that Blakeman was coordinating his actions with a
16 group of guys who were standing in the Rock Fort, along with others in the
17 water. They were all talking to each other and it was clear they all knew
18 each other.

19 At one point while Spencer was in the water and was paddling west
20 out to the ocean, he saw a man surfing, coming in east towards the shore.
21 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
22 of the fins on his surfboard sliced open his right wrist. Spencer has about a
23 half-inch scar from where this man ran him over. As soon as the Bay Boy
24 ran him over, he started berating Spencer, saying things like "what are you
25

26
27 ¹⁵ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 fucking doing out here? I told you to go home. I should have run you over.
2 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
3 was pretending that he didn't see Spencer but it was obvious that he did and
4 intentionally ran him over. With over 30 years of surfing experience, Spencer
5 knew that this collision was intentional on his part. Fearful of being further
6 injured at that point, and not wanting to get into an argument with him,
7 Spencer just paddled away. Spencer and Taloa caught one more wave after
8 that and then decided it was getting too dangerous to surf. More men started
9 showing up at the Rock Fort and Spencer and Taloa were growing
10 increasingly fearful for their safety. Spencer was also bleeding and in pain.
11 These incidents are described in the declarations filed with Plaintiffs motion
12 for class certification and the deposition of Spencer.

13 Spencer further identifies the following individuals as having
14 knowledge of concerted efforts by the Bay Boys, including Blakeman:

15 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
16 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
17 shadowing Spencer's movement in the water. Blakeman was in the water
18 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
19 toward Taloa, at which point Taloa told him that he was too close.
20 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
21 Taloa kept moving in the water, and Blakeman attempted to keep up with
22 him but was not in good enough shape to do so.

23 Plaintiffs are also informed and believe that a Lunada Bay local named
24 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
25 are also informed and believe that Berstein told several people after he
26 photographed them "know we know who you are." Plaintiffs are informed
27 and believe that the Bay Boys use cameras to harass and intimidate people.
28 These incidents are described in the declarations filed with Plaintiffs motion

1 for class certification and the deposition of Taloa.

2 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
3 by Blakeman and other Lunada Bay locals on multiple occasions. On
4 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
5 Wright and harassed them. Blakeman was there filming the incident.¹⁶ On
6 or about February 12, 2016, The Los Angeles Times published an article
7 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
8 Commission says." Jordan Wright and Cory Spencer are quoted in the
9 article. Mr. Wright and a few others had planned to surf Lunada Bay the
10 following morning. Plaintiffs are informed and believe that Defendants
11 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
12 going to Lunada Bay and planned to be there to harass them. On February
13 12, 2016, Defendant Alan Johnston sent the following text messages to an
14 unknown recipient: "No fucking way Taloa is back this year" and "If u really
15 wanna be a bay boy we might meet help tomm." On February 13, 2016,
16 Reed and Wright returned to Lunada Bay. After Reed and Wright had
17 continued down the path, Blakeman and Defendant Alan Johnston rushed
18 into the Rock Fort where Reed was taking photos; the assault appeared to
19 be a coordinated and orchestrated and in retaliation for an article that
20 appeared in the Los Angeles Times. Blakeman was filming Reed and had
21 his camera close to her face. Reed asked why he was filming her, and
22 Blakeman responded, "Because I feel like it," and Johnston responded,
23 "Because you're hot." Charlie Ferrara was present during this incident, and
24

25
26 ¹⁶ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 observed the entire thing. Although Ferrara apologized later for their
2 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
3 These incidents are described in the declarations filed with Plaintiffs motion
4 for class certification and the deposition of Reed. Plaintiffs are informed and
5 believe that after the incident Defendant Johnston started calling and/or
6 texting other Lunada Bay locals to check for police to plan a getaway. At
7 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
8 see any cops at the top." Plaintiffs are informed and believe that later that
9 day Johnston received a text from his mother asking him "What happened at
10 the bay?" Johnston replied "Nothing happened really just couple of trolls
11 they got nothing."

12 Jen Bell. The incident described above was witnessed by a woman
13 named Jen Bell who had gone to Lunada Bay that same day to photograph
14 a guy from Malibu. When she attempted sit down on the beach with her
15 pack, a man said: "You are practically sitting in a men's locker-room. You
16 don't make me feel comfortable". Bell continued to sit there for another 10
17 mins because she refused to be intimidated but decided to head over to the
18 fort because she saw another woman, Diana Reed, was taking photos. Bell
19 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
20 from the start that Johnston and Blakeman were there with the intent to
21 harass Reed. Johnston was making rude comments to both her and Reed.
22 Blakeman was putting the GoPro in their faces. Johnston was chugging
23 multiple beers and it was early in the morning. Johnston asked her to help
24 him with his wetsuit. He said "Can you help me with this?" and handed her
25 the leg of his wetsuit. Johnston made moaning sounds when she took it like
26 he was having an orgasm.

27 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
28 with Chris Claypool and Kenneth Claypool. He observed Blakeman

1 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
2 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
3 foot-high wave and was up riding for several seconds. Alan Johnston
4 paddled the wrong way on this wave, dropped in on him going the wrong
5 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
6 while going the wrong way violates normal surf etiquette. Johnston then
7 collided with Wright, and their leashes got tangled. After they surfaced from
8 the collision, Johnston then got close to Wright and yelled, "You had to
9 fucking take that wave, didn't you!" The next wave that came through then
10 broke Wright's leash plug and the board was carried into the rocks, which
11 destroyed a new surfboard. Wright had to swim in over rocks to get his
12 board and cut his hands on the rocks doing so. Wright is confident that
13 Johnston was attempted to purposefully injure him. What he did was
14 extremely dangerous.

15 Wright has observed Blakeman on many occasions. Blakeman is easy
16 to identify because he rides a kneeboard and he is regularly filming visitors
17 on land with a camcorder. Wright believes his filming is an effort to intimidate
18 visitors. In the water, Wright has observed what appears to be Blakeman
19 directing other Bay Boys to sit close to visiting surfers. Wright has observed
20 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
21 the visitors, impede their movements, block their surfing, kick at them,
22 splash water at them, and dangerously drop in on them. In addition to
23 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
24 Charlie Ferrara, and David Mello engage in this activity. These incidents are
25 described in the declarations filed with Plaintiff's motion for class certification.

26 Ken Claypool has been harassed and filmed by Blakeman in an
27 attempt to intimidate him at Lunada Bay on multiple occasions. In January
28 2015, Claypool and his brother Chris Claypool along with Jordan Wright

1 went to surf Lunada Bay. There were about five Lunada Bay locals in the
2 water, including Blakeman who paddled over and threatened them. Claypool
3 observed Blakeman intentionally dropped in on Wright at least twice.

4 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
5 and Jordan Wright. There was a photographer from the Los Angeles Times
6 that was there. Also in attendance was Cory Spencer and Diana Reed.
7 Spencer was there to watch the cars. Blakeman was there filming in an
8 effort to intimidate visitors. Blakeman can be seen in one of the pictures
9 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
10 are informed and believe that there was a text message sent that day to
11 Papayans, Michael Theil and 11 other people stating that there were 5
12 kooks standing on the bluff taking pictures, including Taloa. The text states:
13 "Things could get ugly. We all need to surf." These incidents are described
14 in the declarations filed with Plaintiffs motion for class certification.

15 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
16 Lunada Bay in January 2015. There were about five locals in the water,
17 including Blakeman who paddled over and was yelling "Try and catch a
18 wave and see what happens. There is no fucking way you are getting a
19 wave. Just go in. Just go. You better not cut me off." Blakeman looked
20 possessed or possibly on drugs. His behavior got more bizarre throughout
21 the morning. He seemed to be paddling for every wave that he could
22 physically push himself into, perhaps to make a point, but he was wiping out
23 a lot and falling down the face and tumbling across the rock reef. Blakeman
24 looked dangerous to himself. When Blakeman would actually catch a wave
25 in, he would paddle back to where Claypool and his brother were sitting, and
26 continue his insane rant. On one occasion, Blakeman came less than 12
27 inches from Claypool's ear and was screaming. It was so loud, Claypool had
28 to put his fingers in his ear to protect them from being damaged. Claypool is

1 a sound engineer and to put this in perspective, a rock concert creates about
2 120 decibels of noise - this was louder; a jet engine creates about 150
3 decibels. At one point Blakeman caught a wave and drew a line aiming right
4 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
5 as he narrowly missed Claypool's head. Claypool watched as Blakeman
6 intentionally dropped in on Jordan at least twice. It seemed obvious to
7 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
8 them were having fun. Because this was getting dangerous, they decided to
9 leave.

10 When Claypool and his brother got out of water, they saw people
11 gathering on top of the cliff. One person was videotaping them from the top
12 of the cliff; it was clear to Claypool that he was doing this to try and
13 intimidate them. The people were watching them from the cliff. It was
14 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
15 obstruct his free passage and use in the customary manner of a public
16 space. It also seemed clear that Blakeman engaged in a concerted effort
17 with other Bay Boys to try and injure him. These incidents are described in
18 the declarations filed with Plaintiffs motion for class certification.

19 Jason Gersch. While observing the surf, Gersch was approached by
20 two local Bay Boys named Peter McCollum and Brant Blakeman. These
21 individuals made it known to Gersch that he could not surf there. These
22 incidents are described in the declarations filed with Plaintiffs motion for
23 class certification.

24 Plaintiffs are informed and believe and on that basis allege that
25 Defendant Blakeman and his attorneys are attempting to intimidate
26 witnesses in this case. On at least two occasions, an investigator hired by
27 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
28 attorneys. The investigator also showed up at the home of a reporter that

1 has not been listed as a witness.

2 The request is premature. Because Blakeman and the other
3 defendants are refusing to comply with their obligations to produce
4 documents under the federal rules and are impermissibly withholding
5 evidence and/or possibly spoliating evidence, we are not able to fully
6 respond to discovery requests which necessarily rely on our ability to fully
7 investigate the facts. As discovery is continuing, Spencer reserves the right
8 to update this response.

9 **INTERROGATORY NO. 9:**

10 IDENTIFY ALL PERSONS that have knowledge of any facts that
11 support plaintiffs' Second Cause of Action in the Complaint (Public
12 Nuisance) against BRANT BLAKEMAN, and for each such PERSON
13 identified state all facts you contend are within that PERSON's knowledge

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

15 Responding Party objects to this interrogatory as premature. Because
16 this interrogatory seeks or necessarily relies upon a contention, and
17 because this matter is in its early stages and pretrial discovery has only just
18 begun, Responding Party is unable to provide a complete response at this
19 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
20 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
21 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
22 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
23 interrogatory need not be answered until designated discovery is complete,
24 or until a pretrial conference or some other time.").

25 Responding Party further objects to this interrogatory as unduly
26 burdensome, harassing, and duplicative of information disclosed in
27 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
28 Propounding Party may look to Responding Party's Rule 26(a) disclosures

1 and supplemental disclosures for the information sought by this
2 interrogatory. Moreover, Responding Party had the opportunity to depose
3 Mr. Spencer on this topic.

4 Responding Party further objects to this interrogatory as compound.
5 This "interrogatory" contains multiple impermissible subparts, which
6 Propounding Party has propounded to circumvent the numerical limitations
7 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

8 Responding Party further objects to this interrogatory on the grounds
9 that it seeks information that is outside of Responding Party's knowledge.

10 Responding Party further objects to the extent that this interrogatory
11 invades attorney-client privilege and/or violates the work product doctrine by
12 compelling Responding Party to disclose privileged communications and/or
13 litigation strategy.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 In addition to each defendant named in his individual capacity and
17 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
18 and the evidence submitted in support of Plaintiffs motion for class
19 certification, Responding Party identifies the following individuals:

20 Cory Spencer: Spencer believes that Blakeman engaged in a
21 concerted effort with other Bay Boys to obstruct his free passage and use in
22 the customary manner of a public space. Spencer also believes that
23 Blakeman coordinated with other Bay Boys to assault him while he was
24 surfing. Spencer believes that the conduct directed at him and others trying
25 to surf Lunada Bay is part of an agreement among Blakeman and the other
26 Bay Boys, which at a minimum, may be implied by the conduct of the parties
27 and other members of the Bay Boys. Spencer believes that the Bay Boys
28 concerted efforts to stop the public from accessing the beach are

1 documented in text messages and emails some of which have been
2 destroyed or are being withheld by the Defendants in this case. On February
3 5, 2016, Charles Mowat sent a text message to Defendant Brant Blakeman,
4 Tom Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans
5 and several others that said "There are 5 kooks standing on the bluff taking
6 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
7 Times photographer captured a pictured of Defendant Blakeman of the bluff
8 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
9 video tape people as a form of harassment and intimidation. For example,
10 plaintiffs are also informed and believe that a Lunada Bay local named
11 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
12 are also informed and believe that Berstein told several people after he
13 photographed them "know we know who you are."

14 The specific acts directed against Spencer include but are not limited
15 to the following:

16 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
17 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
18 They were told that they couldn't surf there, and Spencer was called a
19 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
20 you fucking go home, you fucking kook" and asked "how many other good
21 places did you pass to come here?" These are the same types of statements
22 made by Defendant Sang Lee and others that can be observed on the video
23 published by the Guardian.¹⁷ These taunts started while Spencer and Taloa
24 were on the bluffs getting ready to surf. One individual continued to heckle
25 Spencer and Taloa on their way down to the beach and into the water.

26 _____

27 ¹⁷ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
28 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

1 Blakeman was already in the water and began paddling around
2 Spencer and Taloa in a tight circle – staying just a few feet away from them.
3 There was no legitimate reason for this conduct. Spencer believes that this
4 is a tactic used by the Bay Boys to harass people.¹⁸ Blakeman impeded
5 Spencer’s movement in any direction and was intentionally blocking him
6 from catching any waves. It was clear to Spencer that Blakeman was not
7 there to surf that morning. Instead, his mission was to prevent Spencer and
8 Taloa from surfing and to keep them from enjoying their time in the water,
9 the open space, the waves, and nature. This the type of concerted effort was
10 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
11 people from surfing at Lunada Bay. In the approximately 90 minutes that
12 Spencer was in the water that day, Blakeman was focused on Spencer and
13 Taloa and continued to shadow their movements, and sit uncomfortably
14 close to them. Spencer had never experienced anything like that before in
15 his life. It was bizarre but also incredibly frightening and disturbing. It
16 appeared to Spencer that Blakeman was coordinating his actions with a
17 group of guys who were standing in the Rock Fort, along with others in the
18 water. They were all talking to each other and it was clear they all knew
19 each other.

20 At one point while Spencer was in the water and was paddling west
21 out to the ocean, he saw a man surfing, coming in east towards the shore.
22 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
23 of the fins on his surfboard sliced open his right wrist. Spencer has about a
24 half-inch scar from where this man ran him over. As soon as the Bay Boy

25
26
27 ¹⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: “We just had a kook out in the water
and me and Jack just sat on his ass.”

1 ran him over, he started berating Spencer, saying things like "what are you
2 fucking doing out here? I told you to go home. I should have run you over.
3 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
4 was pretending that he didn't see Spencer but it was obvious that he did and
5 intentionally ran him over. With over 30 years of surfing experience, Spencer
6 knew that this collision was intentional on his part. Fearful of being further
7 injured at that point, and not wanting to get into an argument with him,
8 Spencer just paddled away. Spencer and Taloa caught one more wave after
9 that and then decided it was getting too dangerous to surf. More men started
10 showing up at the Rock Fort and Spencer and Taloa were growing
11 increasingly fearful for their safety. Spencer was also bleeding and in pain.
12 These incidents are described in the declarations filed with Plaintiffs motion
13 for class certification and the deposition of Spencer.

14 Spencer further identifies the following individuals as having
15 knowledge of concerted efforts by the Bay Boys, including Blakeman:

16 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
17 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
18 shadowing Spencer's movement in the water. Blakeman was in the water
19 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
20 toward Taloa, at which point Taloa told him that he was too close.
21 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
22 Taloa kept moving in the water, and Blakeman attempted to keep up with
23 him but was not in good enough shape to do so.

24 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
25 by Blakeman and other Lunada Bay locals on multiple occasions. On
26 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
27
28

1 Wright and harassed them. Blakeman was there filming the incident.¹⁹ On
2 or about February 12, 2016, The Los Angeles Times published an article
3 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
4 Commission says." Jordan Wright and Cory Spencer are quoted in the
5 article. Mr. Wright and a few others had planned to surf Lunada Bay the
6 following morning. Plaintiffs are informed and believe that Defendants
7 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
8 going to Lunada Bay and planned to be there to harass them. On February
9 12, 2016, Defendant Alan Johnston sent the following text messages to an
10 unknown recipient: "No fucking way Taloa is back this year" and "If u really
11 wanna be a bay boy we might meet help tomm." On February 13, 2016,
12 Reed and Wright returned to Lunada Bay. After Reed and Wright had
13 continued down the path, Blakeman and Defendant Alan Johnston rushed
14 into the Rock Fort where Reed was taking photos; the assault appeared to
15 be a coordinated and orchestrated and in retaliation for an article that
16 appeared in the Los Angeles Times. Blakeman was filming Reed and had
17 his camera close to her face. Reed asked why he was filming her, and
18 Blakeman responded, "Because I feel like it," and Johnston responded,
19 "Because you're hot." Charlie Ferrara was present during this incident, and
20 observed the entire thing. Although Ferrara apologized later for their
21 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
22 These incidents are described in the declarations filed with Plaintiffs motion
23 for class certification and the deposition of Reed. Plaintiffs are informed and
24

25
26 ¹⁹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 believe that after the incident Defendant Johnston started calling and/or
2 texting other Lunada Bay locals to check for police to plan a getaway. At
3 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
4 see any cops at the top." Plaintiffs are informed and believe that later that
5 day Johnston received a text from his mother asking him "What happened at
6 the bay?" Johnston replied "Nothing happened really just couple of trolls
7 they got nothing."

8 Jen Bell. The incident described above was witnessed by a woman
9 named Jen Bell who had gone to Lunada Bay that same day to photograph
10 a guy from Malibu. When she attempted sit down on the beach with her
11 pack, a man said: "You are practically sitting in a men's locker-room. You
12 don't make me feel comfortable". Bell continued to sit there for another 10
13 minutes because she refused to be intimidated but eventually decided to head
14 over to the fort because she saw another woman, Diana Reed, was taking
15 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
16 was obvious from the start that Johnston and Blakeman were there with the
17 intent to harass Reed. Johnston was making rude comments to both her and
18 Reed. Blakeman was putting the GoPro in their faces. Johnston was
19 chugging multiple beers and it was early in the morning. Johnston asked her
20 to help him with his wetsuit. He said "Can you help me with this?" and
21 handed her the leg of his wetsuit. Johnston made moaning sounds when
22 she took it like he was having an orgasm.

23 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman
25 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
26 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
27 foot-high wave and was up riding for several seconds. Alan Johnston
28 paddled the wrong way on this wave, dropped in on him going the wrong

1 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
2 while going the wrong way violates normal surf etiquette. Johnston then
3 collided with Wright, and their leashes got tangled. After they surfaced from
4 the collision, Johnston then got close to Wright and yelled, "You had to
5 fucking take that wave, didn't you!" The next wave that came through then
6 broke Wrights leash plug and the board was carried into the rocks, which
7 destroyed a new surfboard. Wright had to swim in over rocks to get his
8 board and cut his hands on the rocks doing so. Wright is confident that
9 Johnston attempted to purposefully injure him. What he did was extremely
10 dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors
13 on land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them,
18 splash water at them, and dangerously drop in on them. In addition to
19 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
20 Charlie Ferrara, and David Mello engage in this activity. These incidents are
21 described in the declarations filed with Plaintiffs motion for class certification.

22 Ken Claypool has been harassed and filmed by Blakeman in an
23 attempt to intimidate him at Lunada Bay on multiple occasions. In January
24 2015, Claypool and his brother Chris Claypool along with Jordan Wright
25 went to surf Lunada Bay. There were about five Lunada Bay locals in the
26 water, including Blakeman who paddled over and threatened them. Claypool
27 observed Blakeman intentionally dropped in on Wright at least twice.

28 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa

1 and Jordan Wright. There was a photographer from the Los Angeles Times
2 that was there. Also in attendance was Cory Spencer and Diana Reed.
3 Spencer was there to watch the cars. Blakeman was there filming in an
4 effort to intimidate visitors. Blakeman can be seen in one of the pictures
5 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
6 are informed and believe that there was a text message sent that day to
7 Papayans, Michael Theil and 11 other people stating that there were 5
8 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
9 informed that the text states: "Things could get ugly. We all need to surf."
10 These incidents are described in the declarations filed with Plaintiffs motion
11 for class certification.

12 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
13 Lunada Bay in January 2015. There were about five locals in the water,
14 including Blakeman who paddled over and was yelling "Try and catch a
15 wave and see what happens. There is no fucking way you are getting a
16 wave. Just go in. Just go. You better not cut me off." Blakeman looked
17 possessed or possibly on drugs. His behavior got more bizarre throughout
18 the morning. He seemed to be paddling for every wave that he could
19 physically push himself into, perhaps to make a point, but he was wiping out
20 a lot and falling down the face and tumbling across the rock reef. Blakeman
21 looked dangerous to himself. When Blakeman would actually catch a wave
22 in, he would paddle back to where Claypool and his brother were sitting, and
23 continue his insane rant. On one occasion, Blakeman came less than 12
24 inches from Claypool's ear and was screaming. It was so loud, Claypool had
25 to put his fingers in his ear to protect them from being damaged. Claypool is
26 a sound engineer and to put this in perspective, a rock concert creates about
27 120 decibels of noise - this was louder; a jet engine creates about 150
28 decibels. At one point Blakeman caught a wave and drew a line aiming right

1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs motion for class certification.

15 Jason Gersch. While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses they knew were represented by
24 Plaintiffs’ attorneys. The investigator also showed up at the home of a
25 reporter that has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28 documents under the federal rules and are impermissibly withholding

evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Spencer reserves the right to update this response.

INTERROGATORY NO. 10:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' Sixth Cause of Action in the Complaint (Assault) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound.

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded to circumvent the numerical limitations
3 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 In addition to each defendant named in his individual capacity and
13 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
14 and the evidence submitted in support of Plaintiffs motion for class
15 certification, Responding Party identifies the following individuals:

16 Cory Spencer: Spencer believes that Blakeman engaged in a
17 concerted effort with other Bay Boys to obstruct his free passage and use in
18 the customary manner of a public space. Spencer also believes that
19 Blakeman coordinated with other Bay Boys to assault him while he was
20 surfing. Spencer believes that the conduct directed at him and others trying
21 to surf Lunada Bay is part of an agreement among Blakeman and the other
22 Bay Boys, which at a minimum, may be implied by the conduct of the parties
23 and other members of the Bay Boys. Spencer believes that the Bay Boys
24 concerted efforts to stop the public from accessing the beach are
25 documented in text messages and emails some of which have been
26 destroyed or are being withheld by the Defendants in this case. For
27 example, on February 5, 2016, Charles Mowat sent a text message to
28 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,

1 Defendant Michael Papayans and several others that said "There are 5
2 kooks standing on the bluff taking pictures...I think that same Taloa guy.
3 Things could get ugly." A Los Angeles Times photographer captured a
4 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
5 believe that the Bay Boys take photos and/or video tape people as a form of
6 harassment and intimidation. For example, plaintiffs are also informed and
7 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
8 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
9 Bernstein told several people after he photographed them "know we know
10 who you are."

11 The specific acts directed against Spencer include but are not limited
12 to the following:

13 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
14 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
15 They were told that they couldn't surf there, and Spencer was called a
16 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
17 you fucking go home, you fucking kook" and asked "how many other good
18 places did you pass to come here?" These are the same types of statements
19 made by Defendant Sang Lee and others that can be observed on the video
20 published by the Guardian.²⁰ These taunts started while Spencer and Taloa
21 were on the bluffs getting ready to surf. One individual continued to heckle
22 Spencer and Taloa on their way down to the beach and into the water.

23 Blakeman was already in the water and began paddling around
24 Spencer and Taloa in a tight circle – staying just a few feet away from them.

26 ²⁰ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 There was no legitimate reason for this conduct. Spencer believes that this
2 is a tactic used by the Bay Boys to harass people.²¹ Blakeman impeded
3 Spencer's movement in any direction and was intentionally blocking him
4 from catching any waves. It was clear to Spencer that Blakeman was not
5 there to surf that morning. Instead, his mission was to prevent Spencer and
6 Taloa from surfing and to keep them from enjoying their time in the water,
7 the open space, the waves, and nature. This the type of concerted effort was
8 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
9 people from surfing at Lunada Bay. In the approximately 90 minutes that
10 Spencer was in the water that day, Blakeman was focused on Spencer and
11 Taloa and continued to shadow their movements, and sit uncomfortably
12 close to them. Spencer had never experienced anything like that before in
13 his life. It was bizarre but also incredibly frightening and disturbing. It
14 appeared to Spencer that Blakeman was coordinating his actions with a
15 group of guys who were standing in the Rock Fort, along with others in the
16 water. They were all talking to each other and it was clear they all knew
17 each other.

18 At one point while Spencer was in the water and was paddling west
19 out to the ocean, he saw a man surfing, coming in east towards the shore.
20 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
21 of the fins on his surfboard sliced open his right wrist. Spencer has about a
22 half-inch scar from where this man ran him over. As soon as the Bay Boy
23 ran him over, he started berating Spencer, saying things like "what are you
24 fucking doing out here? I told you to go home. I should have run you over.

25

26

27

28

²¹ Plaintiffs are informed and believe that Defendant Papayans sent a text message describing similar conduct: "We just had a kook out in the water and me and Jack just sat on his ass."

1 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
2 was pretending that he didn't see Spencer but it was obvious that he did and
3 intentionally ran him over. With over 30 years of surfing experience, Spencer
4 knew that this collision was intentional on his part. Fearful of being further
5 injured at that point, and not wanting to get into an argument with him,
6 Spencer just paddled away. Spencer and Taloa caught one more wave after
7 that and then decided it was getting too dangerous to surf. More men started
8 showing up at the Rock Fort and Spencer and Taloa were growing
9 increasingly fearful for their safety. Spencer was also bleeding and in pain.
10 These incidents are described in the declarations filed with Plaintiffs motion
11 for class certification and the deposition of Spencer.

12 Spencer further identifies the following individuals as having
13 knowledge of concerted efforts by the Bay Boys, including Blakeman:

14 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
15 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
16 shadowing Spencer's movement in the water. Blakeman was in the water
17 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
18 toward Taloa, at which point Taloa told him that he was too close.
19 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
20 Taloa kept moving in the water, and Blakeman attempted to keep up with
21 him but was not in good enough shape to do so.

22 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
23 by Blakeman and other Lunada Bay locals on multiple occasions. On
24 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
25 Wright and harassed them. Blakeman was there filming the incident.²² On
26 _____

27 ²² Plaintiffs are informed and believe that there were text message sent on
28 (footnote continued)

1 or about February 12, 2016, The Los Angeles Times published an article
2 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
3 Commission says." Jordan Wright and Cory Spencer are quoted in the
4 article. Mr. Wright and a few others had planned to surf Lunada Bay the
5 following morning. Plaintiffs are informed and believe that Defendants
6 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
7 going to Lunada Bay and planned to be there to harass them. On February
8 12, 2016, Defendant Alan Johnston sent the following text messages to an
9 unknown recipient: "No fucking way Taloa is back this year" and "If u really
10 wanna be a bay boy we might meet help tomm." On February 13, 2016,
11 Reed and Wright returned to Lunada Bay. After Reed and Wright had
12 continued down the path, Blakeman and Defendant Alan Johnston rushed
13 into the Rock Fort where Reed was taking photos; the assault appeared to
14 be a coordinated and orchestrated and in retaliation for an article that
15 appeared in the Los Angeles Times. Blakeman was filming Reed and had
16 his camera close to her face. Reed asked why he was filming her, and
17 Blakeman responded, "Because I feel like it," and Johnston responded,
18 "Because you're hot." Charlie Ferrara was present during this incident, and
19 observed the entire thing. Although Ferrara apologized later for their
20 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
21 These incidents are described in the declarations filed with Plaintiffs motion
22 for class certification and the deposition of Reed. Plaintiffs are informed and
23 believe that after the incident Defendant Johnston started calling and/or
24 texting other Lunada Bay locals to check for police to plan a getaway. At
25 _____
26 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
27 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
28 responded with a "LOL" and said he would be there.

1 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
2 see any cops at the top." Plaintiffs are informed and believe that later that
3 day Johnston received a text from his mother asking him "What happened at
4 the bay?" Johnston replied "Nothing happened really just couple of trolls
5 they got nothing."

6 Jen Bell. The incident described above was witnessed by a woman
7 named Jen Bell who had gone to Lunada Bay that same day to photograph
8 a guy from Malibu. When she attempted sit down on the beach with her
9 pack, a man said: "You are practically sitting in a men's locker-room. You
10 don't make me feel comfortable". Bell continued to sit there for another 10
11 minutes because she refused to be intimidated but eventually decided to head
12 over to the fort because she saw another woman, Diana Reed, was taking
13 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
14 was obvious from the start that Johnston and Blakeman were there with the
15 intent to harass Reed. Johnston was making rude comments to both her and
16 Reed. Blakeman was putting the GoPro in their faces. Johnston was
17 chugging multiple beers and it was early in the morning. Johnston asked her
18 to help him with his wetsuit. He said "Can you help me with this?" and
19 handed her the leg of his wetsuit. Johnston made moaning sounds when
20 she took it like he was having an orgasm.

21 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
22 with Chris Claypool and Kenneth Claypool. He observed Blakeman
23 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
24 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
25 foot-high wave and was up riding for several seconds. Alan Johnston
26 paddled the wrong way on this wave, dropped in on him going the wrong
27 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
28 while going the wrong way violates normal surf etiquette. Johnston then

1 collided with Wright, and their leashes got tangled. After they surfaced from
2 the collision, Johnston then got close to Wright and yelled, "You had to
3 fucking take that wave, didn't you!" The next wave that came through then
4 broke Wrights leash plug and the board was carried into the rocks, which
5 destroyed a new surfboard. Wright had to swim in over rocks to get his
6 board and cut his hands on the rocks doing so. Wright is confident that
7 Johnston attempted to purposefully injure him. What he did was extremely
8 dangerous.

9 Wright has observed Blakeman on many occasions. Blakeman is easy
10 to identify because he rides a kneeboard and he is regularly filming visitors
11 on land with a camcorder. Wright believes his filming is an effort to intimidate
12 visitors. In the water, Wright has observed what appears to be Blakeman
13 directing other Bay Boys to sit close to visiting surfers. Wright has observed
14 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
15 the visitors, impede their movements, block their surfing, kick at them,
16 splash water at them, and dangerously drop in on them. In addition to
17 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
18 Charlie Ferrara, and David Mello engage in this activity. These incidents are
19 described in the declarations filed with Plaintiffs motion for class certification.

20 Ken Claypool has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally dropped in on Wright at least twice.

26 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
28 that was there. Also in attendance was Cory Spencer and Diana Reed.

1 Spencer was there to watch the cars. Blakeman was there filming in an
2 effort to intimidate visitors. Blakeman can be seen in one of the pictures
3 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
4 are informed and believe that there was a text message sent that day to
5 Papayans, Michael Theil and 11 other people stating that there were 5
6 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
7 informed that the text states: "Things could get ugly. We all need to surf."
8 These incidents are described in the declarations filed with Plaintiffs motion
9 for class certification.

10 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
11 Lunada Bay in January 2015. There were about five locals in the water,
12 including Blakeman who paddled over and was yelling "Try and catch a
13 wave and see what happens. There is no fucking way you are getting a
14 wave. Just go in. Just go. You better not cut me off." Blakeman looked
15 possessed or possibly on drugs. His behavior got more bizarre throughout
16 the morning. He seemed to be paddling for every wave that he could
17 physically push himself into, perhaps to make a point, but he was wiping out
18 a lot and falling down the face and tumbling across the rock reef. Blakeman
19 looked dangerous to himself. When Blakeman would actually catch a wave
20 in, he would paddle back to where Claypool and his brother were sitting, and
21 continue his insane rant. On one occasion, Blakeman came less than 12
22 inches from Claypool's ear and was screaming. It was so loud, Claypool had
23 to put his fingers in his ear to protect them from being damaged. Claypool is
24 a sound engineer and to put this in perspective, a rock concert creates about
25 120 decibels of noise - this was louder; a jet engine creates about 150
26 decibels. At one point Blakeman caught a wave and drew a line aiming right
27 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
28 as he narrowly missed Claypool's head. Claypool watched as Blakeman

1 intentionally dropped in on Jordan at least twice. It seemed obvious to
2 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
3 them were having fun. Because of the danger, they decided to leave.

4 When Claypool and his brother got out of water, they saw people
5 gathering on top of the cliff. One person was videotaping them from the top
6 of the cliff; it was clear to Claypool that he was doing this to try and
7 intimidate them. The people were watching them from the cliff. It was
8 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
9 obstruct his free passage and use in the customary manner of a public
10 space. It also seemed clear that Blakeman engaged in a concerted effort
11 with other Bay Boys to try and injure him. These incidents are described in
12 the declarations filed with Plaintiffs motion for class certification.

13 Jason Gersch. While observing the surf, Gersch was approached by
14 two local Bay Boys named Peter McCollum and Brant Blakeman. These
15 individuals made it known to Gersch that he could not surf there. These
16 incidents are described in the declarations filed with Plaintiffs motion for
17 class certification.

18 Plaintiffs are informed and believe and on that basis allege that
19 Defendant Blakeman and his attorneys are attempting to intimidate
20 witnesses in this case. On at least two occasions, an investigator hired by
21 Blakeman's attorneys contacted witnesses they knew were represented by
22 Plaintiffs' attorneys. The investigator also showed up at the home of a
23 reporter that has not been listed as a witness.

24 The request is premature. Because Blakeman and the other
25 defendants are refusing to comply with their obligations to produce
26 documents under the federal rules and are impermissibly withholding
27 evidence and/or possibly spoliating evidence, we are not able to fully
28 respond to discovery requests which necessarily rely on our ability to fully

1 investigate the facts. As discovery is continuing, Spencer reserves the right
2 to update this response.

3 **INTERROGATORY NO. 11:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that
5 support plaintiffs' Seventh Cause of Action in the Complaint (Battery) against
6 BRANT BLAKEMAN, and for each such PERSON identified state all facts
7 you contend are within that PERSON's knowledge.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

9 Responding Party objects to this interrogatory as premature. Because
10 this interrogatory seeks or necessarily relies upon a contention, and
11 because this matter is in its early stages and pretrial discovery has only just
12 begun, Responding Party is unable to provide a complete response at this
13 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
14 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
15 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
16 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
17 interrogatory need not be answered until designated discovery is complete,
18 or until a pretrial conference or some other time.").

19 Responding Party further objects to this interrogatory as unduly
20 burdensome, harassing, and duplicative of information disclosed in
21 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
22 Propounding Party may look to Responding Party's Rule 26(a) disclosures
23 and supplemental disclosures for the information sought by this
24 interrogatory. Moreover, Responding Party had the opportunity to depose
25 Mr. Spencer on this topic.

26 Responding Party further objects to this interrogatory as compound.
27 This "interrogatory" contains multiple impermissible subparts, which
28 Propounding Party has propounded to circumvent the numerical limitations

1 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

2 Responding Party further objects to this interrogatory on the grounds
3 that it seeks information that is outside of Responding Party's knowledge.

4 Responding Party further objects to the extent that this interrogatory
5 invades attorney-client privilege and/or violates the work product doctrine by
6 compelling Responding Party to disclose privileged communications and/or
7 litigation strategy.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 In addition to each defendant named in his individual capacity and
11 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
12 and the evidence submitted in support of Plaintiffs motion for class
13 certification, Responding Party identifies the following individuals:

14 Cory Spencer: Spencer believes that Blakeman engaged in a
15 concerted effort with other Bay Boys to obstruct his free passage and use in
16 the customary manner of a public space. Spencer also believes that
17 Blakeman coordinated with other Bay Boys to assault him while he was
18 surfing. Spencer believes that the conduct directed at him and others trying
19 to surf Lunada Bay is part of an agreement among Blakeman and the other
20 Bay Boys, which at a minimum, may be implied by the conduct of the parties
21 and other members of the Bay Boys. Spencer believes that the Bay Boys
22 concerted efforts to stop the public from accessing the beach are
23 documented in text messages and emails some of which have been
24 destroyed or are being withheld by the Defendants in this case. For example
25 on February 5, 2016, Charles Mowat sent a text message to Defendant
26 Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch, Defendant
27 Michael Papayans and several others that said "There are 5 kooks standing
28 on the bluff taking pictures...I think that same Taloa guy. Things could get

1 ugly." A Los Angeles Times photographer captured a pictured of Defendant
2 Blakeman of the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys
3 take photos and/or video tape people as a form of harassment and
4 intimidation. For example, plaintiffs are also informed and believe that a
5 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
6 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
7 several people after he photographed them "know we know who you are."

8 The specific acts directed against Spencer include but are not limited
9 to the following:

10 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
11 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
12 They were told that they couldn't surf there, and Spencer was called a
13 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
14 you fucking go home, you fucking kook" and asked "how many other good
15 places did you pass to come here?" These are the same types of statements
16 made by Defendant Sang Lee and others that can be observed on the video
17 published by the Guardian.²³ These taunts started while Spencer and Taloa
18 were on the bluffs getting ready to surf. One individual continued to heckle
19 Spencer and Taloa on their way down to the beach and into the water.

20 Blakeman was already in the water and began paddling around
21 Spencer and Taloa in a tight circle – staying just a few feet away from them.
22 There was no legitimate reason for this conduct. Spencer believes that this
23 is a tactic used by the Bay Boys to harass people.²⁴ Blakeman impeded
24 _____

25 ²³ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ²⁴ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
(footnote continued)

1 Spencer's movement in any direction and was intentionally blocking him
2 from catching any waves. It was clear to Spencer that Blakeman was not
3 there to surf that morning. Instead, his mission was to prevent Spencer and
4 Taloa from surfing and to keep them from enjoying their time in the water,
5 the open space, the waves, and nature. This the type of concerted effort was
6 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
7 people from surfing at Lunada Bay. In the approximately 90 minutes that
8 Spencer was in the water that day, Blakeman was focused on Spencer and
9 Taloa and continued to shadow their movements, and sit uncomfortably
10 close to them. Spencer had never experienced anything like that before in
11 his life. It was bizarre but also incredibly frightening and disturbing. It
12 appeared to Spencer that Blakeman was coordinating his actions with a
13 group of guys who were standing in the Rock Fort, along with others in the
14 water. They were all talking to each other and it was clear they all knew
15 each other.

16 At one point while Spencer was in the water and was paddling west
17 out to the ocean, he saw a man surfing, coming in east towards the shore.
18 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
19 of the fins on his surfboard sliced open his right wrist. Spencer has about a
20 half-inch scar from where this man ran him over. As soon as the Bay Boy
21 ran him over, he started berating Spencer, saying things like "what are you
22 fucking doing out here? I told you to go home. I should have run you over.
23 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
24 was pretending that he didn't see Spencer but it was obvious that he did and
25 intentionally ran him over. With over 30 years of surfing experience, Spencer
26

27 _____
28 and me and Jack just sat on his ass."

1 knew that this collision was intentional on his part. Fearful of being further
2 injured at that point, and not wanting to get into an argument with him,
3 Spencer just paddled away. Spencer and Taloa caught one more wave after
4 that and then decided it was getting too dangerous to surf. More men started
5 showing up at the Rock Fort and Spencer and Taloa were growing
6 increasingly fearful for their safety. Spencer was also bleeding and in pain.
7 These incidents are described in the declarations filed with Plaintiffs motion
8 for class certification and the deposition of Spencer.

9 Spencer further identifies the following individuals as having
10 knowledge of concerted efforts by the Bay Boys, including Blakeman:

11 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
13 shadowing Spencer's movement in the water. Blakeman was in the water
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
15 toward Taloa, at which point Taloa told him that he was too close.
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
17 Taloa kept moving in the water, and Blakeman attempted to keep up with
18 him but was not in good enough shape to do so.

19 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
20 by Blakeman and other Lunada Bay locals on multiple occasions. On
21 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
22 Wright and harassed them. Blakeman was there filming the incident.²⁵ On
23 or about February 12, 2016, The Los Angeles Times published an article
24

25 _____
26 ²⁵ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
2 Commission says." Jordan Wright and Cory Spencer are quoted in the
3 article. Mr. Wright and a few others had planned to surf Lunada Bay the
4 following morning. Plaintiffs are informed and believe that Defendants
5 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
6 going to Lunada Bay and planned to be there to harass them. On February
7 12, 2016, Defendant Alan Johnston sent the following text messages to an
8 unknown recipient: "No fucking way Taloa is back this year" and "If u really
9 wanna be a bay boy we might meet help tomm." On February 13, 2016,
10 Reed and Wright returned to Lunada Bay. After Reed and Wright had
11 continued down the path, Blakeman and Defendant Alan Johnston rushed
12 into the Rock Fort where Reed was taking photos; the assault appeared to
13 be a coordinated and orchestrated and in retaliation for an article that
14 appeared in the Los Angeles Times. Blakeman was filming Reed and had
15 his camera close to her face. Reed asked why he was filming her, and
16 Blakeman responded, "Because I feel like it," and Johnston responded,
17 "Because you're hot." Charlie Ferrara was present during this incident, and
18 observed the entire thing. Although Ferrara apologized later for their
19 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
20 These incidents are described in the declarations filed with Plaintiffs motion
21 for class certification and the deposition of Reed. Plaintiffs are informed and
22 believe that after the incident Defendant Johnston started calling and/or
23 texting other Lunada Bay locals to check for police to plan a getaway. At
24 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
25 see any cops at the top." Plaintiffs are informed and believe that later that
26 day Johnston received a text from his mother asking him "What happened at
27 the bay?" Johnston replied "Nothing happened really just couple of trolls
28 they got nothing."

1 Jen Bell. The incident described above was witnessed by a woman
2 named Jen Bell who had gone to Lunada Bay that same day to photograph
3 a guy from Malibu. When she attempted sit down on the beach with her
4 pack, a man said: "You are practically sitting in a men's locker-room. You
5 don't make me feel comfortable". Bell continued to sit there for another 10
6 minutes because she refused to be intimidated but eventually decided to head
7 over to the fort because she saw another woman, Diana Reed, was taking
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
9 was obvious from the start that Johnston and Blakeman were there with the
10 intent to harass Reed. Johnston was making rude comments to both her and
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was
12 chugging multiple beers and it was early in the morning. Johnston asked her
13 to help him with his wetsuit. He said "Can you help me with this?" and
14 handed her the leg of his wetsuit. Johnston made moaning sounds when
15 she took it like he was having an orgasm.

16 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
20 foot-high wave and was up riding for several seconds. Alan Johnston
21 paddled the wrong way on this wave, dropped in on him going the wrong
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
23 while going the wrong way violates normal surf etiquette. Johnston then
24 collided with Wright, and their leashes got tangled. After they surfaced from
25 the collision, Johnston then got close to Wright and yelled, "You had to
26 fucking take that wave, didn't you!" The next wave that came through then
27 broke Wrights leash plug and the board was carried into the rocks, which
28 destroyed a new surfboard. Wright had to swim in over rocks to get his

1 board and cut his hands on the rocks doing so. Wright is confident that
2 Johnston attempted to purposefully injure him. What he did was extremely
3 dangerous.

4 Wright has observed Blakeman on many occasions. Blakeman is easy
5 to identify because he rides a kneeboard and he is regularly filming visitors
6 on land with a camcorder. Wright believes his filming is an effort to intimidate
7 visitors. In the water, Wright has observed what appears to be Blakeman
8 directing other Bay Boys to sit close to visiting surfers. Wright has observed
9 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
10 the visitors, impede their movements, block their surfing, kick at
11 them, splash water at them, and dangerously drop in on them. In addition to
12 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
13 Charlie Ferrara, and David Mello engage in this activity. These incidents are
14 described in the declarations filed with Plaintiffs motion for class certification.

15 Ken Claypool has been harassed and filmed by Blakeman in an
16 attempt to intimidate him at Lunada Bay on multiple occasions. In January
17 2015, Claypool and his brother Chris Claypool along with Jordan Wright
18 went to surf Lunada Bay. There were about five Lunada Bay locals in the
19 water, including Blakeman who paddled over and threatened them. Claypool
20 observed Blakeman intentionally dropped in on Wright at least twice.

21 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
22 and Jordan Wright. There was a photographer from the Los Angeles Times
23 that was there. Also in attendance was Cory Spencer and Diana Reed.
24 Spencer was there to watch the cars. Blakeman was there filming in an
25 effort to intimidate visitors. Blakeman can be seen in one of the pictures
26 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
27 are informed and believe that there was a text message sent that day to
28 Papayans, Michael Theil and 11 other people stating that there were 5

1 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
2 informed that the text states: "Things could get ugly. We all need to surf."
3 These incidents are described in the declarations filed with Plaintiffs motion
4 for class certification.

5 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
6 Lunada Bay in January 2015. There were about five locals in the water,
7 including Blakeman who paddled over and was yelling "Try and catch a
8 wave and see what happens. There is no fucking way you are getting a
9 wave. Just go in. Just go. You better not cut me off." Blakeman looked
10 possessed or possibly on drugs. His behavior got more bizarre throughout
11 the morning. He seemed to be paddling for every wave that he could
12 physically push himself into, perhaps to make a point, but he was wiping out
13 a lot and falling down the face and tumbling across the rock reef. Blakeman
14 looked dangerous to himself. When Blakeman would actually catch a wave
15 in, he would paddle back to where Claypool and his brother were sitting, and
16 continue his insane rant. On one occasion, Blakeman came less than 12
17 inches from Claypool's ear and was screaming. It was so loud, Claypool had
18 to put his fingers in his ear to protect them from being damaged. Claypool is
19 a sound engineer and to put this in perspective, a rock concert creates about
20 120 decibels of noise - this was louder; a jet engine creates about 150
21 decibels. At one point Blakeman caught a wave and drew a line aiming right
22 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
23 as he narrowly missed Claypool's head. Claypool watched as Blakeman
24 intentionally dropped in on Jordan at least twice. It seemed obvious to
25 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
26 them were having fun. Because of the danger, they decided to leave.

27 When Claypool and his brother got out of water, they saw people
28 gathering on top of the cliff. One person was videotaping them from the top

1 of the cliff; it was clear to Claypool that he was doing this to try and
2 intimidate them. The people were watching them from the cliff. It was
3 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
4 obstruct his free passage and use in the customary manner of a public
5 space. It also seemed clear that Blakeman engaged in a concerted effort
6 with other Bay Boys to try and injure him. These incidents are described in
7 the declarations filed with Plaintiffs motion for class certification.

8 Jason Gersch. While observing the surf, Gersch was approached by
9 two local Bay Boys named Peter McCollum and Brant Blakeman. These
10 individuals made it known to Gersch that he could not surf there. These
11 incidents are described in the declarations filed with Plaintiffs motion for
12 class certification.

13 Plaintiffs are informed and believe and on that basis allege that
14 Defendant Blakeman and his attorneys are attempting to intimidate
15 witnesses in this case. On at least two occasions, an investigator hired by
16 Blakeman's attorneys contacted witnesses they knew were represented by
17 Plaintiffs' attorneys. The investigator also showed up at the home of a
18 reporter that has not been listed as a witness. The request is premature.
19 Because Blakeman and the other defendants are refusing to comply with
20 their obligations to produce documents under the federal rules and are
21 impermissibly withholding evidence and/or possibly spoliating evidence, we
22 are not able to fully respond to discovery requests which necessarily rely on
23 our ability to fully investigate the facts. As discovery is continuing, Spencer
24 reserves the right to update this response.

25 **INTERROGATORY NO. 12:**

26 IDENTIFY ALL PERSONS that have knowledge of any facts that
27 support plaintiffs' Eight Cause of Action in the Complaint (Negligence)
28 against BRANT BLAKEMAN, and for each such PERSON identified state all

1 facts you contend are within that PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.").

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Mr. Spencer on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This "interrogatory" contains multiple impermissible subparts, which
22 Propounding Party has propounded to circumvent the numerical limitations
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24 Responding Party further objects to this interrogatory on the grounds
25 that it seeks information that is outside of Responding Party's knowledge.

26 Responding Party further objects to the extent that this interrogatory
27 invades attorney-client privilege and/or violates the work product doctrine by
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 In addition to each defendant named in his individual capacity and
5 other persons identified in Plaintiffs' initial and supplemental disclosures, and
6 the evidence submitted in support of Plaintiffs motion for class certification,
7 Responding Party identifies the following individuals:

8 Cory Spencer: Spencer believes that Blakeman engaged in a
9 concerted effort with other Bay Boys to obstruct his free passage and use in
10 the customary manner of a public space. Spencer also believes that
11 Blakeman coordinated with other Bay Boys to assault Spencer while he was
12 surfing. Spencer believes that the conduct directed at him others trying to
13 surf Lunada Bay is part of an agreement among Blakeman and the other
14 Bay Boys, which at a minimum, may be implied by the conduct of the parties
15 and other members of the Bay Boys. Spencer believes that the Bay Boys
16 concerted efforts to stop the public from accessing the beach are
17 documented in text messages and emails some of which have been
18 destroyed or are being withheld by the Defendants in this case. For
19 example, on February 5, 2016, Charles Mowat sent a text message to
20 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,
21 Defendant Michael Papayans and several others that said "There are 5
22 kooks standing on the bluff taking pictures...I think that same Taloa guy.
23 Things could get ugly.." A Los Angeles Times photographer captured a
24 pictured of Defendant Blakeman of the bluff filming plaintiffs. As another
25 example, there are emails from Sang Lee discussing the Bay Boys
26 concerted efforts to stop the public from accessing the beach.

27 The specific acts directed against Spencer include but are not limited
28 to the following:

1 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
2 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
3 They were told that they couldn't surf there, and Spencer was called a
4 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
5 you fucking go home, you fucking kook" and asked "how many other good
6 places did you pass to come here?" These are the same types of statements
7 made by Defendant Sang Lee and others that can be observed on the video
8 published by the Guardian.²⁶ These taunts started while Spencer and Taloa
9 were on the bluffs getting ready to surf. One individual continued to heckle
10 Spencer and Taloa on their way down to the beach and into the water.

11 Blakeman was already in the water and began paddling around
12 Spencer and Taloa in a tight circle – staying just a few feet away from them.
13 There was no legitimate reason for this conduct. Spencer believes that this
14 is a tactic used by the Bay Boys to harass people.²⁷ Blakeman impeded
15 Spencer's movement in any direction and was intentionally blocking him
16 from catching any waves. It was clear to Spencer that Blakeman was not
17 there to surf that morning. Instead, his mission was to prevent Spencer and
18 Taloa from surfing and to keep them from enjoying their time in the water,
19 the open space, the waves, and nature. This the type of concerted effort was
20 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
21 people from surfing at Lunada Bay. In the approximately 90 minutes that
22 Spencer was in the water that day, Blakeman was focused on Spencer and
23

24

25

26 ²⁶<https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

27

28 ²⁷ Plaintiffs are informed and believe that Defendant Papayans sent a text message describing similar conduct: "We just had a kook out in the water and me and Jack just sat on his ass."

1 Taloa and continued to shadow their movements, and sit uncomfortably
2 close to them. Spencer had never experienced anything like that before in
3 his life. It was bizarre but also incredibly frightening and disturbing. It
4 appeared to Spencer that Blakeman was coordinating his actions with a
5 group of guys who were standing in the Rock Fort, along with others in the
6 water. They were all talking to each other and it was clear they all knew
7 each other.

8 At one point while Spencer was in the water and was paddling west
9 out to the ocean, he saw a man surfing, coming in east towards the shore.
10 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
11 of the fins on his surfboard sliced open his right wrist. Spencer has about a
12 half-inch scar from where this man ran him over. As soon as the Bay Boy
13 ran him over, he started berating Spencer, saying things like "what are you
14 fucking doing out here? I told you to go home. I should have run you over.
15 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
16 was pretending that he didn't see Spencer but it was obvious that he did and
17 intentionally ran him over. With over 30 years of surfing experience, Spencer
18 knew that this collision was intentional on his part. Fearful of being further
19 injured at that point, and not wanting to get into an argument with him,
20 Spencer just paddled away. Spencer and Taloa caught one more wave after
21 that and then decided it was getting too dangerous to surf. More men started
22 showing up at the Rock Fort and Spencer and Taloa were growing
23 increasingly fearful for their safety. Spencer was also bleeding and in pain.
24 These incidents are described in the declarations filed with Plaintiffs motion
25 for class certification and the deposition of Spencer.

26 Spencer further identifies the following individuals as having
27 knowledge of concerted efforts by the Bay Boys, including Blakeman:

28 Christopher Taloa. As set forth above, Taloa and Spencer went surfing

1 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
2 shadowing Spencer's movement in the water. Blakeman was in the water
3 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
4 toward Taloa, at which point Taloa told him that he was too close.
5 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
6 Taloa kept moving in the water, and Blakeman attempted to keep up with
7 him but was not in good enough shape to do so.

8 Plaintiffs are also informed and believe that a Lunada Bay local named
9 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
10 are also informed and believe that Berstein told several people after he
11 photographed them "know we know who you are." Plaintiffs are informed
12 and believe that the Bay Boys use cameras to harass and intimidate people.
13 These incidents are described in the declarations filed with Plaintiffs motion
14 for class certification and the deposition of Taloa.

15 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
16 by Blakeman and other Lunada Bay locals on multiple occasions. On
17 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
18 Wright and harassed them. Blakeman was there filming the incident.²⁸ On
19 or about February 12, 2016, The Los Angeles Times published an article
20 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
21 Commission says." Jordan Wright and Cory Spencer are quoted in the
22 article. Mr. Wright and a few others had planned to surf Lunada Bay the
23 following morning. Plaintiffs are informed and believe that Defendants
24

25
26 ²⁸ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
2 going to Lunada Bay and planned to be there to harass them. On February
3 12, 2016, Defendant Alan Johnston sent the following text messages to an
4 unknown recipient: "No fucking way Taloa is back this year" and "If u really
5 wanna be a bay boy we might meet help tomm." On February 13, 2016,
6 Reed and Wright returned to Lunada Bay. After Reed and Wright had
7 continued down the path, Blakeman and Defendant Alan Johnston rushed
8 into the Rock Fort where Reed was taking photos; the assault appeared to
9 be a coordinated and orchestrated and in retaliation for an article that
10 appeared in the Los Angeles Times. Blakeman was filming Reed and had
11 his camera close to her face. Reed asked why he was filming her, and
12 Blakeman responded, "Because I feel like it," and Johnston responded,
13 "Because you're hot." Charlie Ferrara was present during this incident, and
14 observed the entire thing. Although Ferrara apologized later for their
15 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
16 These incidents are described in the declarations filed with Plaintiffs motion
17 for class certification and the deposition of Reed. Plaintiffs are informed and
18 believe that after the incident Defendant Johnston started calling and/or
19 texting other Lunada Bay locals to check for police to plan a getaway. At
20 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
21 see any cops at the top." Plaintiffs are informed and believe that later that
22 day Johnston received a text from his mother asking him "What happened at
23 the bay?" Johnston replied "Nothing happened really just couple of trolls
24 they got nothing."

25 Jen Bell. The incident described above was witnessed by a woman
26 named Jen Bell who had gone to Lunada Bay that same day to photograph
27 a guy from Malibu. When she attempted sit down on the beach with her
28 pack, a man said: "You are practically sitting in a men's locker-room. You

1 don't make me feel comfortable". Bell continued to sit there for another 10
2 mins because she refused to be intimidated but decided to head over to the
3 fort because she saw another woman, Diana Reed, was taking photos. Bell
4 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
5 from the start that Johnston and Blakeman were there with the intent to
6 harass Reed. Johnston was making rude comments to both her and Reed.
7 Blakeman was putting the GoPro in their faces. Johnston was chugging
8 multiple beers and it was early in the morning. Johnston asked her to help
9 him with his wetsuit. He said "Can you help me with this?" and handed her
10 the leg of his wetsuit. Johnston made moaning sounds when she took it like
11 he was having an orgasm.

12 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
13 with Chris Claypool and Kenneth Claypool. He observed Blakeman
14 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
15 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
16 foot-high wave and was up riding for several seconds. Alan Johnston
17 paddled the wrong way on this wave, dropped in on him going the wrong
18 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
19 while going the wrong way violates normal surf etiquette. Johnston then
20 collided with Wright, and their leashes got tangled. After they surfaced from
21 the collision, Johnston then got close to Wright and yelled, "You had to
22 fucking take that wave, didn't you!" The next wave that came through then
23 broke Wrights leash plug and the board was carried into the rocks, which
24 destroyed a new surfboard. Wright had to swim in over rocks to get his
25 board and cut his hands on the rocks doing so. Wright is confident that
26 Johnston was attempted to purposefully injure him. What he did was
27 extremely dangerous.

28 Wright has observed Blakeman on many occasions. Blakeman is easy

1 to identify because he rides a kneeboard and he is regularly filming visitors
2 on land with a camcorder. Wright believes his filming is an effort to intimidate
3 visitors. In the water, Wright has observed what appears to be Blakeman
4 directing other Bay Boys to sit close to visiting surfers. Wright has observed
5 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
6 the visitors, impede their movements, block their surfing, kick at them,
7 splash water at them, and dangerously drop in on them. In addition to
8 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
9 Charlie Ferrara, and David Mello engage in this activity. These incidents are
10 described in the declarations filed with Plaintiffs motion for class certification.

11 Ken Claypool has been harassed and filmed by Blakeman in an
12 attempt to intimidate him at Lunada Bay on multiple occasions. In January
13 2015, Claypool and his brother Chris Claypool along with Jordan Wright
14 went to surf Lunada Bay. There were about five Lunada Bay locals in the
15 water, including Blakeman who paddled over and threatened them. Claypool
16 observed Blakeman intentionally dropped in on Wright at least twice.

17 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
18 and Jordan Wright. There was a photographer from the Los Angeles Times
19 that was there. Also in attendance was Cory Spencer and Diana Reed.
20 Spencer was there to watch the cars. Blakeman was there filming in an
21 effort to intimidate visitors. Blakeman can be seen in one of the pictures
22 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
23 are informed and believe that there was a text message sent that day to
24 Papayans, Michael Theil and 11 other people stating that there were 5
25 kooks standing on the bluff taking pictures, including Taloa. The text states:
26 "Things could get ugly. We all need to surf." These incidents are described
27 in the declarations filed with Plaintiffs motion for class certification.

28 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf

1 Lunada Bay in January 2015. There were about five locals in the water,
2 including Blakeman who paddled over and was yelling "Try and catch a
3 wave and see what happens. There is no fucking way you are getting a
4 wave. Just go in. Just go. You better not cut me off." Blakeman looked
5 possessed or possibly on drugs. His behavior got more bizarre throughout
6 the morning. He seemed to be paddling for every wave that he could
7 physically push himself into, perhaps to make a point, but he was wiping out
8 a lot and falling down the face and tumbling across the rock reef. Blakeman
9 looked dangerous to himself. When Blakeman would actually catch a wave
10 in, he would paddle back to where Claypool and his brother were sitting, and
11 continue his insane rant. On one occasion, Blakeman came less than 12
12 inches from Claypool's ear and was screaming. It was so loud, Claypool had
13 to put his fingers in his ear to protect them from being damaged. Claypool is
14 a sound engineer and to put this in perspective, a rock concert creates about
15 120 decibels of noise - this was louder; a jet engine creates about 150
16 decibels. At one point Blakeman caught a wave and drew a line aiming right
17 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
18 as he narrowly missed Claypool's head. Claypool watched as Blakeman
19 intentionally dropped in on Jordan at least twice. It seemed obvious to
20 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
21 them were having fun. Because this was getting dangerous, they decided to
22 leave.

23 When Claypool and his brother got out of water, they saw people
24 gathering on top of the cliff. One person was videotaping them from the top
25 of the cliff; it was clear to Claypool that he was doing this to try and
26 intimidate them. The people were watching them from the cliff. It was
27 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
28 obstruct his free passage and use in the customary manner of a public

1 space. It also seemed clear that Blakeman engaged in a concerted effort
2 with other Bay Boys to try and injure him. These incidents are described in
3 the declarations filed with Plaintiffs motion for class certification.

4 Jason Gersch. While observing the surf, Gersch was approached by
5 two local Bay Boys named Peter McCollum and Brant Blakeman. These
6 individuals made it known to Gersch that he could not surf there. These
7 incidents are described in the declarations filed with Plaintiffs motion for
8 class certification.

9 Plaintiffs are informed and believe and on that basis allege that
10 Defendant Blakeman and his attorneys are attempting to intimidate
11 witnesses in this case. On at least two occasions, an investigator hired by
12 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
13 attorneys. The investigator also showed up at the home of a reporter that
14 has not been listed as a witness.

15 The request is premature. Because Blakeman and the other
16 defendants are refusing to comply with their obligations to produce
17 documents under the federal rules and are impermissibly withholding
18 evidence and/or possibly spoliating evidence, we are not able to fully
19 respond to discovery requests which necessarily rely on our ability to fully
20 investigate the facts. As discovery is continuing, Spencer reserves the right
21 to update this response.

22
23
24
25
26
27
28

1 DATED: February 24, 2017

OTTEN LAW, PC

4 By: /s/ Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

CORY SPENCER, DIANA MILENA

REED, and COASTAL PROTECTION

RANGERS, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.
On February 24, 2017, I served the original or a true copy of the following document(s) described as:

**PLAINTIFF COREY SPENCER (FURTHER) SUPPLEMENTAL
RESPONSES TO INTERROGATORIES, SET ONE PROPOUNDED BY
DEFENDANT BLAKE BLAKEMAN**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **February 24, 2017**, at Torrance, California.

/s/Victor Otten
Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. *(Attorneys for Defendant BRANT*
Peter H. Crossin, Esq. *BLAKEMAN)*
Richard P. Dieffenbach, Esq. *(served original)*
John P. Worgul, Esq.
VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles, CA 90017

Robert S. Cooper, Esq. *(Attorneys for Defendant BRANT*
BUCHALTER NEMER, APC *BLAKEMAN)*
1000 Wilshire Blvd., Suite 1500 *(served true copy)*
Los Angeles, CA 90017

J. Patrick Carey, Esq. *(Attorney for Defendant ALAN*
LAW OFFICES OF *JOHNSTON a/k/a JALIAN*
J. PATRICK CAREY *JOHNSTON)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach, CA 90266

Peter T. Haven, Esq. *(Attorney for Defendant MICHAEL*
HAVEN LAW *RAY PAPAYANS)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach, CA 90266

Dana Alden Fox, Esq. *(Attorneys for Defendant SANG LEE)*
Edward E. Ward, Jr., Esq. *(served true copy)*
Eric Y. Kizirian, Esq.
Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

Daniel M. Crowley, Esq. *(Attorneys for Defendant SANG LEE)*
BOOTH, MITCHEL & *(served true copy)*
STRANGE LLP
707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

Mark C. Fields, Esq. *(Attorney for Defendant ANGELO*
LAW OFFICES OF *FERRARA and Defendant N. F.*
MARK C. FIELDS, APC *appearing through Guardian Ad*
333 South Hope Street, 35th Floor *Liteam, Leonora Ferrara)*
Los Angeles, CA 90071 *(served true copy)*

1 Thomas M. Phillip, Esq.
2 Aaron G. Miller, Esq.
3 THE PHILLIPS FIRM
800 Wilshire Blvd., Suite 1550
Los Angeles. CA 90017

*(Attorneys for Defendant ANGELO
FERRARA)*
(served true copy)

4 Patrick Au, Esq.
5 Laura L. Bell, Esq.
BREMER WHYTE
BROWN & O'MEARA, LLP
6 21271 Burbank Blvd., Suite 110
Woodland Hills. CA 91367

*(Attorneys for Defendants FRANK
FERRARA and CHARLIE FERRARA)*
(served true copy)

7 Edwin J. Richards, Esq.
8 Antoinette P. Hewitt, Esq.
9 Rebecca L. Wilson, Esq.
Jacob Song, Esq.
10 Christopher D. Glos, Esq.
KUTAK ROCK LLP
11 5 Park Plaza, Suite 1500
Irvine. CA 92614-8595

*(Attorneys for Defendants CITY OF
PALOS VERDES and CHIEF OF
POLICE JEFF KEPLEY)*
(served true copy)

VERIFICATION

I, Cory Spencer, have read PLAINTIFF CORY SPENCER'S RESPONSE TO INTERROGATORIES, SET ONE, PROPOUNDED BY DEFENDANT BRANT BLAKEMAN and know its contents.

I am a party to this action and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 24, 201⁷₆, in TORRANCE, California.



CORY SPENCER